

**ORDINANCE NO. 5201**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE RELATING TO REGULATIONS FOR DEVELOPMENT AND ZONING FOR THE DEL MONTE FOREST AREA.

**County Counsel Summary**

*This ordinance amends Parts 1 and 5 of the Monterey County Coastal Implementation Plan (CIP, Title 20 of the Monterey County Code) to revise the regulations for development and zoning for the coastal area of the Del Monte Forest. The ordinance amends Chapter 20.12 (Medium Density Residential) and Chapter 20.14 (Low Density Residential) to remove golf courses as conditional uses in medium and low density residential zoning districts. This ordinance amends Sections 20-10 and 20-16 of the zoning maps of the Monterey County Coastal Implementation Plan to rezone multiple locations, including The Inn and Links at Spanish Bay, Areas B, C, F-2, J, K, L, F-1, F-3, I-1, the Pebble Beach Corporation Yard, The Lodge at Pebble Beach, the Beach and Tennis Club, Collins Field, the Collins Residence parcels, and Areas M, I-2, U, V, G, H, N, O, and PQR. This ordinance also amends the Regulations for Development in the Del Monte Forest Land Use Plan Area (Part 5 of the CIP) to: focus remaining development adjacent to or within existing developed areas while requiring preservation of large intact contiguous areas of forest and other sensitive habitat areas; to revise the regulations for development to establish the regulatory framework for the proposed Pebble Beach Company Concept Plan; to update the LCP to reflect the changes in conditions in Del Monte Forest since the original adoption of the LCP in the 1980s; and to move implementing detail from the Land Use Plan into the CIP. Title 20 is the Monterey County Coastal Implementation Plan and part of Monterey County's certified Local Coastal Program, and the ordinance will require certification by the California Coastal Commission.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1.** The text of subsection Z of Section 20.12.050 of the Monterey County Code is repealed, and subsection Z is reserved.

**SECTION 2.** The text of subsection D of Section 20.14.050 of the Monterey County Code is repealed, and subsection D is reserved.

**SECTION 3. ZONING DISTRICT MAP.** Section 20-10 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of The Inn and Links at Spanish Bay, Areas B, C, F-2, J, K, L, F-1, F-3, I-1, and the Pebble Beach Corporation Yard, as shown on the maps attached hereto as Exhibits A through I, and incorporated herein by reference and described as follows:

**Exhibit A: The Inn and Links at Spanish Bay:**

Reclassify a 1.54 acre portion of a 200 acre parcel located at The Links at Spanish Bay (Assessor's Parcel Number 007-091-033-000), Del Monte Forest, Coastal Zone, from "OR/B-8-D (CZ)" (Open Space Recreation, Building Site and Design Control Overlays, (Coastal Zone)) to "VSC-D (CZ)" (Visitor Serving Commercial, Design Control Overlay, (Coastal Zone)).

**Exhibit B: Areas B and C:**

Reclassify portions of a 58.22 acre parcel (Assessor's Parcel Number 007-101-041-000), Del Monte Forest, Coastal Zone, from the "MDR/B-8-D (CZ)" (Medium Density Residential, Building Site and Design Control Overlays (Coastal Zone)) and "RC-D (CZ)" (Resource Conservation, Design Control Overlay (Coastal Zone)) to the "VSC-D (CZ)" (Visitor Serving Commercial, Design Control Overlay (Coastal Zone)), "OR-D (CZ)" (Open Space Recreation, Design Control Overlay (Coastal Zone)), and "RC-D" (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit C: Area F-2**

Reclassify a 19.50 acre parcel (Assessor's Parcel Number 008-032-004-000), Del Monte Forest, Coastal Zone, from the "MDR/B-8-D(CZ)" (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the "LDR/B-6-D(CZ)" (Low Density Residential, Building Site 6 and Design Control Overlays (Coastal Zone)) zoning classification.

**Exhibit D: Area J**

Reclassify a 9.38 acre area (Assessor's Parcels Numbers 008-022-024, 008-561-020-000, and 008-022-035-000), Del Monte Forest, Coastal Zone, from the "MDR/B-8-D(CZ)" (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) and the "MDR/2-D(CZ)" (Medium Density Residential, 2 units per acre, Design Control Overlay (Coastal Zone)) zoning classifications to the "MDR/2-B-6-D(CZ)" (Medium Density Residential, 2 units per acre, Building Site 6 and Design Control Overlays (Coastal Zone)) and the "RC-D(CZ)" (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit E: Area K**

Reclassify a 10.62 acre area (portions of Assessor's Parcel Numbers 008-021-009-000 and 008-022-031-000), Del Monte Forest, Coastal Zone, from the "MDR/B-8-D (CZ)" (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the "MDR/2-B-6-D (CZ)" (Medium Density Residential, 2 units per acre, Building Site 6 and Design Control Overlays (Coastal Zone)), the "RC-D(CZ)" (Resource Conservation, Design Control Overlay (Coastal Zone)), and the "OR-D(CZ)" (Open Space Recreation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit F: Area L**

Reclassify a 20.85 acre area (portion of Assessor's Parcel Number 008-021-009-000), Del Monte Forest, Coastal Zone, from the "MDR/B-8-D (CZ)" (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the "MDR/2-B-6-D (CZ)" (Medium Density Residential, 2 units per acre, Building Site 6 and

Design Control Overlays (Coastal Zone)) and “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit G: Areas F-1 and F-3**

Reclassify a portion of a 9.77 parcel (Assessor’s Parcel Number 008-032-005-000) and a 16.81 acre parcel (Assessor’s Parcel Number 008-032-006-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit H: Area I-1**

Reclassify portions of a 38.16 acre parcel (Assessor’s Parcel Number 008-031-019-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) and “LDR/B-8-D (CZ)” (Low Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classifications to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit I: Corporation Yard and Huckleberry Hill Natural Area (including Area G)**

Reclassify portions of a 472.12 acre area (portion of Assessor’s Parcel Number 008-041-009-000), Del Monte Forest, Coastal Zone, from the “RC-D(CZ) (Resource Conservation, Design Control Overlay (Coastal Zone)), ”MDR/B-8-D(CZ)” (Medium Density Residential, Building Site and Design Control Overlays (Coastal Zone)), and ”CGC/B-8-D(CZ)” (Coastal General Commercial, Building Site and Design Control Overlays (Coastal Zone)) zoning classifications to the “RC-D(CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)), “OR-D(CZ)” (Open Space Recreation, Design Control Overlay (Coastal Zone)), “MDR/6-B-6-D(CZ)” (Medium Density Residential, 6 units per acre, Building Site 6 and Design Control Overlays (Coastal Zone)), and “IC-D(CZ)” (Institutional Commercial, Design Control Overlay (Coastal Zone)) zoning classifications.

**SECTION 4. ZONING DISTRICT MAP.** Section 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of the Pebble Beach Corporation Yard, The Lodge at Pebble Beach, The Beach and Tennis Club, Collins Field, the Collins Residence parcels, and Areas M, I-2, U, V, G, H, N, O, and PQR, as shown on the map attached hereto as Exhibits I through U, and incorporated herein by reference and described as follows:

**Exhibit I: Corporation Yard and Huckleberry Hill Natural Area (including Area G)**

Reclassify a portion of a 472.12 acre area (portion of Assessor’s Parcel Number 008-041-009-000), Del Monte Forest, Coastal Zone, from the ”MDR/B-8-D(CZ)” (Medium Density Residential, Building Site and Design Control Overlays (Coastal Zone)) zoning classification to the “RC-D(CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit J: The Lodge at Pebble Beach**

Reclassify a 1.36 acre parcel (Assessor’s Parcel Number 008-423-002-000), Del Monte Forest,

Coastal Zone, from the “LDR/1.5-D (CZ)” (Low Density Residential, 1.5 acres per unit, Design Control Overlay (Coastal Zone)) zoning classification and a .86 acre parcel (Assessor’s Parcel Number 008-423-019-000), Del Monte Forest, Coastal Zone, from the “CGC-D (CZ)” (Coastal General Commercial, Design Control Overlay (Coastal Zone)) zoning classification to the “VSC-D (CZ)” (Visitor-Serving Commercial, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit K: The Beach and Tennis Club**

Reclassify a 2.34 acre parcel (Assessor’s Parcel Number 008-411-020-000), Del Monte Forest, Coastal Zone, from the “OR-D (CZ)” (Open Space Recreation, Design Control Overlay (Coastal Zone)) to the “VSC-D (CZ)” (Visitor-Serving Commercial, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit L: Collins Field**

Reclassify a 2.5 acre parcel (Assessor’s Parcels Number 008-321-007-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “OR-D (CZ)” (Open Space Recreation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit M: Collins Residence Parcels**

Reclassify a 3.85 acre area (Assessor’s Parcel Numbers 008-321-008-000 and 008-321-009-000), Del Monte Forest, Coastal Zone, from the “LDR/1.5-D (CZ)” (Low Density Residential, 1.5 acres per unit, Design Control Overlay (Coastal Zone)) zoning classification to the “MDR/2-B-6-D (CZ)” (Medium Density Residential, 2 units per acre, Building Site 6 and Design Control Overlays (Coastal Zone)) zoning classification.

**Exhibit N: Area M**

Reclassify portions of a 74.09 acre area (portion of Assessor’s Parcel Number 008-272-011-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D(CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “VSC-D (CZ)” (Visitor Serving Commercial, Design Control Overlay (Coastal Zone)) and “RC-D(CZ) (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit O: Area I-2**

Reclassify a portion of an 18.74 acre parcel (Assessor’s Parcel Number 008-031-014-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “LDR/B-6-D (CZ)” (Low Density Residential, Building Site 6 and Design Control Overlays (Coastal Zone)) zoning classification.

**Exhibit P: Area U**

Reclassify a 20 acre parcel (Assessor’s Parcel Number 008-313-002-000), Del Monte Forest, Coastal Zone, from the “LDR/B-8-D (CZ)” (Low Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “MDR/2-B-6-D (CZ)” (Medium Density Residential, 2 units per acre, Building Site 6 and Design Control Overlays

(Coastal Zone)) and “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit Q: Area V**

Reclassify a 23.06 acre parcel (Assessor’s Parcel Number 008-312-002-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “MDR/2-B-6-D (CZ)” (Medium Density Residential, 2 units per acre, Building Site 6 and Design Control Overlays (Coastal Zone)), “OR-D (CZ)” (Open Space Recreation, Design Control Overlay (Coastal Zone)), and “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classifications.

**Exhibit R: Area H**

Reclassify portions of a 25.49 acre parcel (Assessor’s Parcel Number 008-031-015-000) and a 24.08 acre parcel (Assessor’s Parcel Number 008-034-001-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit S: Area N**

Reclassify a 47.06 acre area (portions of Assessor’s Parcel Numbers 008-272-010-000 and 008-272-011-000, and Assessor’s Parcel Numbers 008-241-008-000 and 008-311-011-000), Del Monte Forest, Coastal Zone, from the “LDR/B-8-D (CZ)” (Low Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit T: Area O**

Reclassify a 19.50 acre parcel (Assessor’s Parcel Number 008-242-007-000), Del Monte Forest, Coastal Zone, from the “MDR/B-8-D (CZ)” (Medium Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) zoning classification to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**Exhibit U: Areas P, Q, and R**

Reclassify a 233.10 acre area (Assessor’s Parcel Numbers 008-163-001-000, 008-163-003-000, 008-163-005-000, 008-164-001-000, 008-171-009-000, and 008-171-022-000), Del Monte Forest, Coastal Zone, from the “LDR/B-8-D (CZ)” (Low Density Residential, Building Site 8 and Design Control Overlays (Coastal Zone)) and the “LDR/B-6-D (CZ)” (Low Density Residential, Building Site 6 and Design Control Overlays (Coastal Zone)) zoning classifications to the “RC-D (CZ)” (Resource Conservation, Design Control Overlay (Coastal Zone)) zoning classification.

**SECTION 5.** Chapter 20.147 (Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area) of the Monterey County Code is amended as follows:

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### **PART 5: Regulations for Development in the Del Monte Forest Land Use Plan Area (Chapter 20.147)**

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#### **20.147.010 PURPOSE**

The purpose of this chapter is to establish regulations, standards and procedures to implement the policies of the Del Monte Forest Land Use Plan. These regulations, standards and procedures apply only to property located within the Del Monte Forest planning area and the Coastal Zone that is subject to the Del Monte Forest Land Use Plan.

#### **20.147.020 DEFINITIONS**

A. Archaeological Sensitivity Zones: These zones are shown on County archaeological sensitivity maps and describe the relative probability of finding archaeological resources throughout the County. A "Low" sensitivity zone is one in which there is limited likelihood of finding evidence of past Native American activity. A "Moderate" zone is one in which there is a possibility that the area was used by Native Americans for hunting, gathering, collecting, burial, or other activities. A "High" sensitivity zone is one in which archaeological sites have already been identified in the area based on an understanding or strong evidence that Native Americans lived in and occupied that area.

B. Archaeological Site: A site of known Native American remains or activity, as evidenced by shells, fire-cracked rocks, other lithic remains, charcoal, bedrock mortars, rock art, quarry sites, etc.

C. Coastal Dependent: A development or land use which requires a site on or adjacent to the sea in order to be able to function at all.

D. Complete Application: An application for which 1) the Planning Department has completed its review and has requested any additional information or studies to be

submitted by the applicant and 2) all requested information has been submitted to the Planning Department's satisfaction. An application is considered "Incomplete" until all such information has been supplied.

E. Environmentally Sensitive Habitat Area (or ESHA): Environmentally sensitive habitat area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. In the Del Monte Forest, examples of habitat areas which have historically been determined to meet the definition of ESHA include: the rare Monterey cypress and Gowen cypress forest communities, portions of the native Monterey pine forest, the endemic Monterey pine/Bishop pine association, central maritime chaparral, coastal sand dunes, streams and riparian corridors, wetlands, and sites in which sensitive plants and animals associated with these and other habitats are located.

F. Forest Management Plan: A Plan that clearly identifies: all aspects of the tree/forest resources, whether the trees are part of a forest, whether the forest or portions of it are considered ESHA, and the manner in which forest resources are to be preserved, maintained and managed for property or properties where development is proposed as well as the immediate surrounding area. These plans are permanent and binding regardless of a change in ownership.

G. High Hazard Areas

1. Seismic Hazard Zones: These zones are intended to generally describe the seismic hazard of areas throughout the County, as shown on County seismic hazard maps as low moderate and high hazard zones. These zones include:

- active or potentially active faults and the areas located within 1/8 mile of active or potentially active faults;
- areas of tsunami hazards;
- areas identified as "Underlain by Recent Alluvium" and "Relatively Unstable Upland Areas" on County maps; and
- geotechnical evaluation zones IV, V and VI on County maps;

2. Flood Hazard areas: Special Flood Hazard Area: The area subject to a 1% chance or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Maps (FIRM) as Zone A, AO, AE, AR, A99, AH, VE, or V.

3. Fire Hazard areas: Areas classified as having high to very high fire hazard through application of the Department of Forestry and Fire Protection criteria and the Fire Hazard Severity Scale as mapped in the California Department of Forestry and Fire Protection fire hazard maps.

4. Coastal Hazard areas: Shoreline areas subject to a variety of coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same.

H. Landmark trees: Those native trees which are 24 inches or more in diameter when measured at breast height or trees which are visually significant, historically significant, exemplary of its species, and/or more than 1000 years old.

I. Central Maritime Chaparral: A brushland association whose characteristic features are well-drained, nutrient poor (oligotrophic); somewhat to highly acidic soils within the coastal fog zone; a suite of evergreen sclerophyllous shrubs in mature stands (including *Arctostaphylos* and *Ceanothus* species); and the presence of one or more "indicator" species, which are indicative of central maritime chaparral habitats because their distribution is restricted to only those regions with the requisite climate and soil. Plant species in this association include, for example, manzanita, ceanothus, coyote brush, buckwheat, black sage, coffeeberry, chamise, toyon, and sagebrush.

J. May: "May" identifies language describing provisions which are desirable to adhere to in the interest of meeting the broad goals of the Coastal Act and this LCP, but which in isolation from other mandatory policy guidance may be interpreted and applied at the discretion of the decision-making body.

K. Ministerial Permit: A grading or building permit. A project requiring a ministerial permit requires review by staff of both the Planning and Building Services Departments.

L. Must/shall: "Must" or "shall" identifies mandatory language to which all development must adhere.

M. Native Plant Species: Plant species that are native to the Del Monte Forest and/or that are native to a particular area of the forest when development is proposed in such area. Native plant species should be used whenever any landscaping is proposed or required.

N. Negative Easement: Negative easements are voluntary restrictions that are declared by publicly recording a document imposing restrictions on certain land for the benefit of other property owners within an area. The restrictions are defined solely by the property owner and are specific in their restriction to certain aspects of the property upon which it is recorded. Most negative easements within the Del Monte Forest area involve open space. These easements routinely preserve the right of the property owner to maintain visitor access facilities such as parking lots, roads, pedestrian walkways and public utility facilities.

O. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Where appropriate, the floodway limits for some streams were set using flood velocities.



P. Public Viewshed: Those areas visible from public use areas such as significant roads/streets (e.g. 17-Mile Drive), portions of parks accessible to the general public (e.g. picnic areas, but no trails), beaches, designated vista points (e.g. Cypress Point).

Q. Riparian Corridor: The area surrounding a river, stream or other watercourse that is made up of hydrophytic and related vegetation occurring in close proximity to such watercourse (characteristic trees in this habitat include willow, cottonwood, sycamore and alder) and/or the topographic edge of such watercourse (e.g., the top of bank of an excised channel), whichever extends further from the watercourse itself.

R. Sand dune habitat: Sand dune habitat includes the back beach coastal strand and foredunes, and the more landward sand ridges, troughs and flats, including active unvegetated dunes, vegetated dunes, and dune swale wetlands, that occur beyond the upper limit of the "dry beach." Bounded at their seaward edge by the upper line of the beach at the high tide mark, or a coinciding "vegetation line" in the back beach area, sand dune habitat extends inland as far as the land is subject to active gain or loss of sand because of the sea or sea wind.

S. Sensitive species: Species that are unique, rare, threatened, endangered, and/or worthy of special attention due to other compelling factors.

## **20.147.030 FRESHWATER AND MARINE RESOURCES**

Intent: It is the intent of this section to ensure that the water quality and biological value of the Del Monte Forest's coastal streams, wetlands, open coastal waters, and the Carmel Bay are protected and maintained, including through application of adequate buffers and setbacks, maintaining hydrologic inputs, protecting riparian and wetland vegetation, carefully controlling grading to minimize erosion and sedimentation, and effective collection, filtration, and treatment of runoff.

### **A. Development Standards**

1. New development in the Pescadero watershed and the smaller unnamed watersheds of the Pebble Beach planning area which drain into the Carmel Bay Area of Special Biological Significance (ASBS) and in the watersheds of Seal Rock Creek and Sawmill Gulch (see LUP Figure 2b for affected watersheds), shall be subject to the following development restrictions and criteria:

(a) New development shall be sited and designed to minimize runoff, site disturbance, erosion, and sedimentation. All new development shall be designed to conform to site topography as much as possible. New residential driveways and other vehicular surfaces shall be kept to the minimum length and width necessary to provide simple, direct access, and surfaces shall be designed to minimize runoff (including through use of permeable materials, filtration strips, and use of engineered collection/treatment units). Other impervious vehicular surfaces shall be limited to the minimum required to meet daily (not occasional) parking needs. This standard shall not be read to preclude safe bicycle lanes or adequate parking for commercial visitor-serving development and access points.

(b) Impervious surface (structural and site improvements) coverage for residential development shall be limited to a maximum of 9,000 square feet.

2. No land clearing operations greater than one acre per year per site or grading operations greater than 100 cubic yards may take place in the wet season (i.e., between October 15 and April 15).

3. Point and non-point sources of pollution to the Carmel Bay "Area of Special Biological Significance", rocky intertidal areas, and wetlands shall be avoided to the maximum extent possible, and where unavoidable, minimized and mitigated through use of appropriately sited and designed drainage and runoff control systems. It shall be determined through staff review of the project whether or not the project contains, as a course of its operation or as any other result of its existence, the ability or possibility to contribute to the degradation of the water and marine resources of the area. Projects determined to have such an effect shall supply to the Planning staff proof of adequate erosion and runoff control systems to control any off-site effects of the projects. These erosion control and runoff plans shall be routed to the Building Services Department and the Flood Control District for their review and comment upon the adequacy of the report. All new and/or expanding wastewater discharges into the coastal waters of Monterey County shall require a permit from the Health Department. Applicants for such permits shall be required to submit documentation as delineated in Section 20.147.040.C.3.e.

4. Grading and site preparation activities shall incorporate design features to prevent soil erosion, repair existing erosion damage within the development footprint and prevent pollution of coastal waters.

5. All development shall employ adequate erosion/sediment control and water quality construction best management practices (BMPs) during construction, and all such BMPs shall be in place prior to the commencement of construction and shall be maintained in good operating condition through the construction period.

6. Erosion control measures (e.g., native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods) shall be used to protect soils that have been disturbed during grading or development. Manufactured slopes shall be stabilized as soon as possible with planting of native annual grasses and shrubs, appropriate native compatible plants, and with approved landscaping.

7. Provisions shall be made to collect and conduct runoff to drainage areas/devices capable of polluted runoff filtration/treatment (e.g., vegetated filtration strips, detention/retention basins, storm drains, etc.) to ensure maximum on-site filtration/treatment. Permanent onsite drainage areas/devices shall be designed to accommodate increased runoff resulting from site modification. Where necessitated by good drainage design considerations, on-site retention of storm water may be considered to reduce the size requirements for drainage structures, consistent with resource protection policies.

8. Dumping of spoil (dirt, garbage, refuse, etc.) into riparian habitat and drainage courses shall be prohibited.

## 20.147.040 ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Intent: It is the intent of this section to recognize that the environmentally sensitive habitat areas of the Del Monte Forest are unique, limited, and fragile resources that are sensitive and important biologically, and that these areas enrich Del Monte Forest enjoyment for residents and visitors alike. Accordingly, these areas are to be protected, maintained, and, where possible, enhanced and restored. Except where specifically and explicitly authorized by this LCP, all categories of land uses, both public and private, shall be subordinate to the protection of these areas.

### A. Environmentally Sensitive Habitat Area (ESHA) Determination

The presence/absence of ESHA shall be determined prior to initiating the application review process with the intent to design sites in a manner avoiding ESHA to the greatest extent feasible. ESHAs are those habitat areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Historically, the following types of habitats have generally been found to meet the definition of ESHA:

- Habitat areas that are rare or especially valuable from a local, regional, or statewide basis.
- Habitat areas that support plant or animal species designated or candidates for listing as rare, threatened, or endangered under State or Federal law.
- Habitat areas that support species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Habitat areas that support plant species for which there is compelling evidence of rarity (e.g., those designated 1b (rare or endangered in California and elsewhere) or 2 (rare, threatened, or endangered in California but more common elsewhere) by the California Native Plant Society).
- Areas of particular biological, scientific, or educational interest, including large continuous expanses of native trees and vegetation.

Determinations of whether ESHA is actually present in the Del Monte Forest in any particular situation must be based on an evaluation of both the resources on the ground and knowledge about the sensitivity of the habitat at the time of development consideration. In the Del Monte Forest, examples of habitat areas that have historically been determined to meet the definition of ESHA include: the rare Monterey cypress and Gowen cypress forest communities, portions of the native Monterey pine forest, the endemic Monterey pine/Bishop pine association, central maritime chaparral, coastal sand dunes, streams and riparian corridors, wetlands, rocky intertidal areas, near-shore reefs, offshore rocks and inlets, the Carmel Bay ASBS, kelp beds, rookeries and haul-out sites, important roosting sites, and sites in which sensitive plants and animals associated with these and other habitats are located.

In terms of native Monterey pine forest and ESHA determinations, unless there is

compelling site specific evidence to the contrary, significant stands (i.e., 20 acres in size or larger) of native Monterey pine forest that are relatively undisturbed are considered ESHA. Stands of native Monterey pine forest less than 20 acres that provide specific documented ecosystem functions, such as the provision of habitat for rare species (e.g., Yadon's piperia or Hooker's Manzanita) or rare communities (e.g., central maritime chaparral), or that are very close to or connected to large areas of forest may also be considered ESHA because of their especially valuable ecosystem functions. Other factors that might be considered in native Monterey pine forest ESHA determinations include the relative degradation or health of the understory, association with wetland or riparian resources, or the relative uniqueness of the stand itself.

## B. Biological Report Requirements

1. Applications for development of any type, including subdivision of land for development purposes, shall include field surveys and impact analysis, by qualified individuals, to precisely determine habitat area, including ESHA, and to recommend siting, design, and related mitigating measures to ensure protection of any sensitive species or habitat areas present. All required setbacks, development footprint, fuel management, and landscape areas shall be illustrated on a map that depicts habitat areas.

2. All reports shall be prepared by a qualified biologist, and all field surveys for such biological reports shall be undertaken during times when documented or expected habitat evidence is most likely to be detected (e.g., flowering season, breeding season, etc.).

3. At a minimum, a report shall be required for all proposed development that can be described using one or more of the following criteria:

(a) The development is or may potentially be located within an environmentally sensitive habitat area, based on current available resource information or through on-site investigation;

(b) The development is or may potentially be located within 100 feet of an environmentally sensitive habitat area and/or has the potential to significantly degrade such area; or

(c) There is disagreement between staff and the applicant as to whether the proposed development meets one of the above criteria.

4. The report shall be required, submitted and accepted by the Planning Department prior to the application being determined complete. The manner (electronic versus hard copy, number of copies, etc.) in which said report is to be submitted shall be determined by the Planning Department.

5. Report preparation shall be solely at applicant expense.

## C. Development Standards

1. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, land uses shall be limited to those that are dependent on the resources therein.

2. Land uses and development adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the habitat area, and such land use and development shall be sited and designed to prevent impacts that would significantly degrade habitat areas. All land use and development shall be set back a minimum of 100 feet from environmentally sensitive habitat areas. Within this setback area, only uses and development that are consistent with the above long-term habitat area maintenance and impact prevention criteria are allowed (e.g., habitat maintenance activities, limited passive recreational access, etc.).

Uses permitted in the setback area shall be required to: a) minimize removal of vegetation; b) conform to natural topography; c) minimize erosion potential; d) make provisions to keep run-off and sedimentation from exceeding pre-development levels; e) remove invasive and non-native plant species and replant with native and non-invasive species; f) prevent discharge of toxic substances, such as fertilizers and pesticides; and, g) include other requirements specific to habitat area needs (e.g., limit noise and activity adjacent to sensitive receptors).

3. Where sensitive species and/or other environmentally sensitive habitat areas are encountered during project review, the following mitigation measures must be undertaken:

(a) Performance standards covering building locations, lot setbacks, roadway and driveway width, grading, and landscaping shall be established as a means of carrying out the recommendations of the biological report and as necessary to meet the requirements of the LCP. These standards are intended to isolate use and development from identified locations of sensitive species or other environmentally sensitive habitat areas.

(b) Open space conservation and scenic easements covering the environmentally sensitive habitat area and required setback areas shall be dedicated to the Del Monte Forest Foundation along with funding adequate to ensure their management and protection over time.

4. Any impacts to environmentally sensitive habitat areas shall be appropriately mitigated.

5. Improvements to facilitate public recreational and/or visitor uses (including vegetation removal, excavation, grading, or filling) in environmentally sensitive habitat areas shall be sited, designed and managed to avoid any significant disruption of the protected resources, and shall only be allowed for uses and improvements that are dependant on the resource. Areas that are especially sensitive to recreational use include riparian and stream habitats, wetlands, rocky intertidal areas, and sites where sensitive species of plants and animals are found. Bird rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas are generally appropriate only for off-site observation and shall not be developed. Any proposals for such public recreational/visitor uses and improvements in environmentally

sensitive habitat areas shall be required to demonstrate enhancement of the affected habitat as part of the proposal before consideration of approval for the project.

6. Subdivisions that would allow or create commitment to non-resource dependent development in environmentally sensitive habitat areas are prohibited. Subdivisions that allow or create commitment to development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with protection and maintenance of these resources, and only if such subdivisions include enforceable parameters to prevent impacts that would significantly degrade those areas. Subdivisions may be approved only where potential adverse impacts to environmentally sensitive habitat areas from the subdivision or future development reasonably facilitated and expected due to the subdivision can be prevented. No residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible without adverse impacts to any environmentally sensitive habitat area.

7. Contiguous areas of undisturbed land in open space uses, including unimproved portions of the right-of-way, shall be maintained wherever possible to protect environmentally sensitive habitat areas and associated wildlife values. Development intensity immediately adjacent to environmentally sensitive habitat areas shall be as low as possible, consistent with other planning criteria (e.g., drainage design, roadway design, and public safety). In subdividing property adjacent to environmentally sensitive habitat areas, the parcel configuration shall maintain the maximum amount of contiguous open space adjacent to the habitat. Techniques such as clustering of structures, with open space areas placed in an open space easement, shall be required to result in the maximum amount of open space and environmentally sensitive habitat area protection.

8. The protection of environmentally sensitive habitat areas shall be provided through deed restrictions or permanent open space conservation and scenic easements granted to the Del Monte Forest Foundation. Parcels proposed for development containing areas of environmentally sensitive habitat shall require, as a condition of approval, that the sensitive habitat area (including a 100 foot buffer around the habitat area) be placed in an open space conservation and scenic easement. Where development has already occurred within or near areas containing environmentally sensitive habitat, property owners are encouraged to voluntarily grant conservation and scenic easements to the Del Monte Forest Foundation. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County and Coastal Commission as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; shall be accompanied by adequate funding to allow the management and protection objectives and requirements of the easement to be fully realized; and shall name the County as beneficiary in event the Del Monte Forest Foundation ceases or is unable to adequately manage these easements for the intended purpose of natural habitat preservation.

9. Near environmentally sensitive habitat areas, native vegetation removal and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate reasonable development. Development shall be sited and designed to prevent impacts that would significantly degrade those nearby areas, and shall be compatible with the continuance of those habitat areas.

10. The use of plant species native to the Del Monte Forest shall be required in landscape materials used in projects. A limited amount of landscape located immediately around developed areas may include non-native, non-invasive plant species, subject to review and approval of a Landscape Plan by the Planning Department. Said Landscape Plan shall be considered as part of the development application. Invasive plant species shall be prohibited. Removal of non-native and/or invasive plant species is encouraged, and may be exempt from coastal development permit requirements pursuant to Section 20.70.120.

D. Additional Development Standards By Habitat Type

1. Dune Habitat

(a) The remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill near the former Spyglass Quarry, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area, shall be preserved through open space conservation and scenic easements conveyed to the Del Monte Forest Foundation, as part of the approval of any development in adjacent areas.

(b) Uses of remnant native sand dune habitat shall be limited to low-intensity scientific, educational, and/or recreational activities dependent on the resource. Particular attention shall be given to protection of sensitive plant species from trampling. Such uses must be consistent with restoration and enhancement of the habitat.

(c) To prevent further degradation and to allow for restoration of degraded dune and bluff habitats, parking along 17-Mile Drive shall be restricted to designated turnouts through the use of barriers (structural and vegetational) and enforcement signs that are sited and designed to avoid impacting scenic views.

2. Monterey Cypress Habitat

(a) Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in LUP Figure 2a. All proposed development in this area shall be accompanied by a biological report pursuant to Section 20.147.040.A.

(b) Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All development that would impact Monterey cypress trees and/or Monterey cypress habitat in this area shall be sited and designed to avoid adverse impacts to individual cypress and cypress habitat.

(c) All use and development in or adjacent to indigenous Monterey cypress habitat area shall be compatible with the objective of protecting this environmentally sensitive coastal resource.

(d) All improvements (such as structures and driveways, etc.) shall be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the micro-habitat of individual trees, and must be located within existing hardscaped areas and outside of the dripline of individual cypress trees.

(e) Removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering are all prohibited within the perimeter of the identified cypress habitat area for a site, including at a minimum as defined by the driplines of the outermost indigenous Monterey cypress trees on a site.

(f) On the inland side of 17-Mile Drive within the indigenous Monterey cypress habitat area, driveways are allowed only where the driveway does not come within the dripline of individual cypress trees.

(g) Within the indigenous Monterey cypress habitat area:

(1) Underground residential utilities are allowed on the inland side of 17-Mile Drive.

(2) Fences shall be designed with see-through materials or spaced in a manner to protect views of the natural habitat from 17-Mile Drive (e.g., wrought iron with openings).

(h) Open space conservation and scenic easements are required for all undeveloped areas of a parcel within the Monterey cypress habitat area.

(i) The Del Monte Forest Foundation shall be encouraged to maintain an interpretive and educational program at Crocker Grove. Said program shall be under careful supervision and designed for the protection of the indigenous Monterey cypress habitat. The type and intensity of access to Crocker Grove shall be carefully regulated.

### 3. Gowen Cypress/Bishop Pine Habitat

(a) Land uses and development within or adjacent to the Gowen cypress/Bishop pine association and the S.F.B. Morse Botanical Reserve shall be compatible with protection of the association and the S.F.B. Morse Botanical Reserve. Residential and recreational development, such as golf courses, shall be carefully sited and restricted to a level consistent with the protection of these resources.

(b) Development proposed adjacent to Gowen cypress habitat shall be planned in a manner to protect this rare species.

### 4. Riparian Corridor Habitat

(a) Riparian corridors and related habitat areas shall be protected by establishing the above-referenced setback of at least 100 feet as measured from the outer edge of the riparian corridor (see Section 20.147.020.Q). The setback requirement may be reduced only if it can be clearly demonstrated through the habitat report prepared for the project that a narrower setback is sufficient to protect riparian vegetation and associated wildlife values and other ecological functions, and that riparian enhancement is included.

(b) Significant disruption of riparian corridors and related habitat areas shall be prohibited. Use/development, including bridges, may only occur within riparian corridors



where the design results in long-term habitat enhancement (i.e., new habitat value greater (qualitatively and quantitatively) than existing habitat value). Examples of such cases include restoration of previously damaged riparian environments and replacement of fill and culverts by bridges.

(c) To protect wildlife habitat values of riparian areas and their adjacent setback/buffer zones, off-road vehicle activity of all types is prohibited within such areas. General public access is limited within such areas to designated portions of the setback/buffer area (such as cart paths or trails) that are sited and designed to avoid impacts to riparian habitat

## 5. Wetland, Shoreline, and Marine Habitats

(a) A setback of at least 100 feet as measured from the edge of wetlands and from the mean high water line of the ocean shall be provided within which development, other than landscaping and public access areas and facilities, shall be prohibited. No landscape alteration is allowed in this setback area unless accomplished in conjunction with restoration and enhancement, and unless it is demonstrated that no significant disruption of environmentally sensitive habitat areas will result.

(b) Alteration of the shoreline shall be prohibited except when required to serve coastal-dependent uses, to protect existing structures and public beaches in danger from erosion, and/or to restore and enhance shoreline habitat. All proposed development and alteration of the shoreline shall be required to submit to the Planning Department a geologic report following the criteria presented in Section 20.147.060.A.

(c) Development at Cypress Point is restricted to that associated with existing uses (e.g., golf course and golf clubhouse at The Cypress Point Club). Such proposed development at Cypress Point shall be accompanied by the biological report required pursuant to Section 20.147.040.A. The report shall establish the boundaries of any affected pupping areas, and provide mitigation measures to protect such areas during pupping season, including setbacks, easements, or other restrictions. Such measures shall be made conditions of project approval as needed to protect the pupping area.

(d) Shoreline areas used by harbor seals shall be managed to protect seals during the pupping period from April 1 to June 1, including through limitations on public access to such areas.

(e) Development proposing new or expanded wastewater discharge into the Monterey Bay and coastal waters of Monterey County shall be reviewed by all applicable agencies, including the Health Department prior to application submittal pursuant to Section 20.70.130. Prior to the application being determined complete, the applicant shall submit, at a minimum, the following information and studies:

(1) Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria and other indicators prescribed as threats to the health and safety of coastal waters.

(2) Comprehensive projections of the increase of the proposed wastewater discharges. Both quantitative and qualitative characteristics shall be specifically identified. Specific figures for the indicators identified in (1) must be included in the projections.

(3) Complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in (1). This information shall also include reliability and efficiency data of the proposed treatment.

(4) A comprehensive monitoring plan for testing of wastewater for indicators identified in (1).

(5) Oceanographic studies that determine the most suitable location and methods for discharge into the ocean.

(6) Tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement.

(7) Toxicity studies to predict the impacts of the proposed wastewater discharges on marine life as well as on recreational uses of the coastal waters.

(8) Identification of alternative methods of wastewater disposal. This shall include hydrogeologic studies of the applicant's groundwater basin to determine the water quality problems in that area and whether on-site disposal will have an adverse impact on groundwater quality.

The data and results of the requirements (1) through (8) must be submitted to the County's Director of Environmental Health for evaluation. A wastewater discharge permit, as part of the overall Coastal Development Permit, shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable state or federal water quality standards.

## **20.147.050 FOREST RESOURCES**

Intent: It is the intent of this section to recognize: that the natural beauty of the Del Monte Forest is one of its chief assets, and forest resources, in addition to their fundamental role in supporting the area's natural environment, are a principal constituent of the scenic attractiveness of the area that must be preserved for the benefit of both residents and visitors alike; that these forest resources are best understood as complex and dynamic habitats comprising forest trees, understory vegetation, wildlife, soils, and climate, and the interaction of all these elements; that these forests are complex, interdependent webs of living organisms and physical habitat, and are much more than simply an aggregate of trees; that they are also home to the area's wildlife and serve to moderate climatic extremes; and that long-term preservation

of forest resources is a paramount concern and objective of the LCP.

A. Coastal Development Permit Requirements

1. Trees and other vegetation may be removed without a coastal development permit unless the trees/vegetation to be removed are:

- (a) sensitive tree or vegetation species;
- (b) landmark trees;
- (c) located in an environmentally sensitive habitat area;
- (d) located within 100 feet of an environmentally sensitive habitat area where removal would significantly degrade such habitat area or be incompatible with the continuance of such habitat area;
- (e) located in or within a public viewshed where removal would lead to degradation of the public view; or
- (f) not allowed to be removed pursuant to a coastal development permit, forest management plan, or similar instrument (e.g., recorded easements, restrictions, etc.).

2. Applicants shall notify the Planning Department prior to any removal of trees or vegetation for a determination of whether such removal meets the criteria for removal without a coastal development permit. Applicants shall provide all information necessary for the Planning Department to make the permit determination.

3. Hazardous trees, as determined by the County, may be removed without a coastal development permit provided they do not meet any of the criteria listed under Section 20.147.050.A.1. Such cases may include removal of hazardous trees that pose an immediate danger to life, health, property or essential public services, or removal of diseased trees if it is determined by a qualified professional forester that such trees present a severe and serious infection hazard to the rest of the forest. A biological report may be required to determine what/how materials are to remain as an ecological resource in environmentally sensitive habitat areas. If removal of hazardous trees meets the criteria for a coastal development permit, the emergency coastal development permit provisions of Chapter 20.79 may apply.

B. Forest Management Plan Requirements

1. A Forest Management Plan shall be required for all projects located in a forested area that require a discretionary permit. Removal of 10 trees or less or removal of 1,000 square feet of vegetation or less, may not require a Forest Management Plan if no other development is proposed.

2. The Forest Management Plan shall be required, submitted and accepted by the Planning Department prior to the project application being determined complete. The manner

(electronic versus hard copy, number of copies, etc.) said Plan is to be submitted shall be determined by the Planning Department.

3. The Forest Management Plan shall comply with the standards contained in this ordinance involving environmentally sensitive habitat areas, including with respect to integration with any required biological reports pursuant to Section 20.147.040.

4. The Forest Management Plan shall be prepared by a qualified professional forester or arborist, as selected from the County's list of Consulting Foresters or Arborists. The Consulting Forester or Arborist shall be experienced in and knowledgeable about trees and forest resources (including the interaction of trees, understory vegetation, wildlife, soils, and climate). Plan preparation shall be at the applicants' expense.

5. The Forest Management Plan shall consist of the following elements:

(a) a plot plan showing the location, type and size of each tree proposed for removal as well as trees located within 20 feet of the subject property line. Trees to be removed shall be numbered with corresponding tags in the field for verification.

(b) A narrative describing connectivity with surrounding forest resources, reasons for the proposed removal, alternatives to minimize the amount and impacts of the proposed tree removal, tree replanting information, climate change effects of proposed tree removal on remaining trees (e.g., wind) and justification for removal of trees outside of the developed area if proposed.

(c) Said Plan shall be coordinated with the biological report in order to include recommendations as to whether the trees are part of a forest, and whether the forest or portions of it are ESHA (to which the ESHA requirements shall also apply), and identification of necessary requirements due to such association. This analysis shall at a minimum include review of forest plant associations, native soil cover, fuel management, aesthetic values, tree health, and applicable forest management plans.

(d) Recommendations for siting, design, and related mitigating measures to ensure protection of any forest resources present. Include a Plot Plan with the location and type of trees to be replanted.

(e) A long-term monitoring and maintenance plan defining actions to be taken to protect and manage any forest resources present.

(f) Signatures of the property owner and the forester preparing the plan, on each copy of the Forest Management Plan.

The Forest Management Plan shall apply to the entire lot, even if tree removal is proposed only for a portion of the lot.

6. A Forest Management Plan (FMP) may not be required where the Planning Department determines that the proposed development would be consistent with the parameters of the long-term maintenance plan of a previously approved FMP.

### C. Development Standards

1. All tree removal, land clearing for development and forest management activities within native forest areas shall conform to all development standards regarding freshwater and marine resources, environmentally sensitive habitat areas, and scenic visual resources. If standards conflict, the standards that provide the greatest long-term protection to the forest resource shall apply.

2. In reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective. Because of the regional significance of the forest resources, special consideration shall be given to the ridgeline silhouette, as well as views from significant public viewing areas, such as the corridors along Highway 68 and 17-Mile Drive, and the view from distant publicly accessible shoreline areas such as Point Lobos State Natural Reserve.

3. When reviewing requests for tree removal, environmental considerations shall include review of forest plant associations, native soil cover, fuel management aesthetic values, tree health and applicable forest management plans as well as maintenance of the overall health of the stand. Forest-wide specific criteria for removal of Del Monte Forest's native tree species are as follows:

(a) Within a forest ESHA, or for any individual tree considered ESHA, tree removal shall be prohibited unless it is part of restoration and enhancement efforts.

(b) Removal of trees generally recognized and accepted as visually, historically, or botanically significant individual specimens, such as the Monterey cypress in the Pescadero Point/Cypress Point area and Coast live oaks over 24 inches in diameter shall be prohibited.

(c) Native trees that are not ESHA and/or are not part of a forest area considered ESHA may be removed consistent with site and building plans that otherwise comply with LCP requirements if it is not feasible to retain them and removal is consistent with an approved Forest Management Plan.

(d) Any native tree that has been determined by a certified Forester/Arborist to be a hazard because it exhibits extreme failure potential that could lead to loss or damage of life or property, and that hazard cannot be abated by methods other than removal of the tree, may be removed subject to the coastal development permit criteria of Section 20.147.050.A (and may qualify for an emergency coastal development permit under Chapter 20.79).

4. In considering proposed development projects, siting and design is required to minimize to the extent feasible the removal of trees and understory vegetation and damage to soil resources. Siting, design, and land use concepts that minimize removal and damage should be applied and are preferred. Retained trees located close to construction areas shall be protected from damage by construction equipment through fencing off sensitive root zones to prevent disturbance in that area (e.g. equipment, staging, storage), bridging or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate and

necessary to protect the well-being of the retained trees, including as determined by Planning staff or the Forest Management Plan developed for the site. The requirements for fencing root zones, bridging or tunneling under major roots and other mitigations as proposed in the Forest Management Plan shall be imposed upon the development as specific conditions of approval.

5. Development, including driveways and parking areas, shall be sited and designed to minimize removal of trees, especially trees that significantly contribute to the visual character of the public viewshed (e.g., along 17-Mile Drive ) and that screen development from public view and neighboring properties. Clustered developments within proposed subdivisions are required as topographic and habitat constraints allow.

6. Where removal of native trees is allowed for development, such removal shall be mitigated through replanting or forest preservation either on- or off-site, whichever is better overall for forest resources. Mitigation may include but is not limited to: replacement on-site equating to an equal number of trees of the same variety, provided such replacement will not result in an overcrowded, unhealthy forest environment; tree planting of an equal number of trees of the same variety and/or preservation of an equal area of forest off-site in the Del Monte Forest; payment of a fee to the Del Monte Forest Foundation for tree planting and/or forest preservation in the Del Monte Forest, commensurate with the number and type of trees and/or area of forest to be removed; other similar tree replacement or forest preservation strategy within the Del Monte Forest; or a combination of any of the above strategies. Replacement trees shall be retained and maintained in good condition. Trimming, where not injurious to the health of the tree(s), may be performed consistent with terms and conditions of the approved coastal development permit and the Forest Management Plan.

7. The natural forest soil cover shall be retained in place to the maximum extent possible.

8. Commercial harvesting for timber or firewood is prohibited.

9. Development associated with The Inn at Spanish Bay shall be designed to maximize the retention of the Monterey pine forest as much as possible seaward of 17-Mile Drive.

10. Development that includes preparation of a Forest Management Plan shall require recording a notice that all tree removal on the parcel must be in accordance with said Plan and consistent with the terms and conditions of this coastal development permit. Said notice shall be recorded prior to issuance of building or grading permits.

## **20.147.060 HAZARDS**

Intent: It is the intent of this section to carefully regulate land uses and development in areas of geologic, flood, fire, and other coastal hazard through the best available planning practices, including appropriate siting and design for long-term stability, in order to minimize risks to life and property and damage to the natural environment.

### **A. Report Requirements**

Mitigation of hazards shall be demonstrated by detailed technical reports specific to the hazard type in question (e.g., soils, geologic, geotechnical, erosion control, fire hazard, etc.) that are prepared by persons who are appropriately qualified in the hazard field in question (e.g., civil engineers and engineering geologists familiar with coastal processes, geotechnical engineers, etc.) and that are submitted as part of any permit application. All technical reports and analyses shall accompany development applications and/or be part of any required environmental documentation. As technical reports supporting development proposals are completed and received by the County, the information contained therein shall become part of the public record. Where appropriate, the results of such technical reports shall augment and may supersede, if appropriate, more general information found in other County sources. Development that includes preparation of any technical report shall require recording a notice that development on the parcel must be in accordance with said report, and consistent with the terms and conditions of this coastal development permit. Said notice shall be recorded prior to issuance of building or grading permits.

1. Geologic Report Requirements

(a) Regardless of a parcel's seismic hazard zone, a geologic report shall be required for, but not limited to, the following types of projects:

- (1) standard subdivisions;
- (2) schools, civic buildings, and other public facilities;
- (3) emergency communication facilities;
- (4) flood control projects; and,
- (5) diking dredging, filling, and construction of new structures within shoreline, estuarine and wetland areas.

(b) Regardless of a parcel's seismic hazard zone, a geologic report shall be required for any development project located in the following areas:

- (1) landslide areas, or areas showing evidence of ground movement within recorded history;
- (2) within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater;
- (3) within 1/8 mile of an active or potentially active fault;
- (4) on slopes of greater than 30%;
- (5) within sand dune habitats; and,
- (6) in any area of known or suspected geologic hazards.

(c) If a parcel is located in Seismic Hazard Zone IV, V, or VI, or in Recent Alluvium or Unstable Uplands areas (as shown on County Seismic Hazard Maps), a geologic report shall be required for, but not limited to, the following projects:

- (1) churches;
- (2) theaters;
- (3) hotels, motels;
- (4) utility centers;
- (5) large commercial or industrial buildings or centers;
- (6) minor subdivisions; and,
- (7) apartment buildings.

(d) If a parcel is located in Seismic Hazard Zone VI, an Unstable Uplands or Recent Alluvium area, or in an area of a known hazard, a geologic report shall be required for, but not limited to, the following projects:

- (1) single family dwellings;
- (2) small commercial or industrial buildings; and,
- (3) grading, when a coastal development permit is required.

(e) Projects which do not require a geologic report, unless a hazard is otherwise known, include but are not limited to:

- (1) uninhabited structures;
- (2) pole barns;
- (3) storage sheds;
- (4) greenhouses;
- (5) uses in existing structures;
- (6) structural additions;
- (7) additions to water systems

(f) Geologic reports shall be prepared, at the applicant's expense, by a registered geologist or registered engineering geologist, as deemed appropriate by the County given the project type and probable hazards.



(g) Geologic reports shall be required, submitted, and deemed adequate by the County prior to the application being considered complete. The manner (electronic versus hard copy, number of copies, etc.) said Plan is to be submitted shall be determined by the Planning Department.

(h) Where there is a dispute over the adequacy of the geologic report, a third party review by a registered geologist or registered engineering geologist shall be required. The review shall be at the applicant's expense. Third party review and any necessary report revisions shall be completed prior to receiving approval pursuant to Section 20.70.130.

(i) Geologic reports shall be consistent with "Guidelines for Geologic/Seismic Reports" of the California Division of Mines and Geology and shall include, at a minimum, the following elements, as applicable to the site:

(1) Regional geologic setting;

(2) Historic, current and foreseeable erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and transport, including in relation to generally accepted estimates of accelerated future sea level rise over the development's lifetime;

(3) Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development. The extent of the bluff top considered should at a minimum include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater;

(4) Geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features such as bedding, joints and faults;

(5) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity both on-site and off-site;

(6) Wave and tidal action, including effects of erosion on bluffs, and identification of extreme scour platform elevation seaward of the site as well as expected maximum wave up rush elevation for the site, all in relation to generally accepted estimates of accelerated future sea level rise over the development's lifetime;

(7) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage);

(8) Potential effects of seismic forces resulting from a maximum credible earthquake;

(9) Effect of the proposed development including siting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and the adjacent area;

(10) A quantitative slope stability analysis, including identification of factors of safety for the site and structures and any other factors that may affect slope stability;

(11) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction without reliance on shoreline armoring and/or other such shoreline altering development (i.e., landscaping and drainage design), including analysis of the ability of the development to withstand storms comparable to the winter storms of 1982-83 on the California Coastline;

(12) Any other recommended mitigation measures; and,

(13) When development of shoreline protection structures is proposed, in addition to the above items, the following topics shall also be addressed:

- i. Design wave height;
- ii. Maximum expected wave height;
- iii. Frequency of overtopping;
- iv. Normal and maximum tidal ranges;
- v. Erosion rate with/without protection device;
- vi. Effect of structure on adjoining property;
- vii. Potential/effect of scouring at base;
- viii. Sand supply impacts (beach encroachment, passive erosion, and retention of beach material);
- ix. Design life of structure/maintenance provisions;
- x. Alternatives to the chosen design method including "no project"; and,
- xi. Maintenance provisions including methods and materials.

#### B. Development Standards

1. Development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Natural features, such as tree cover, should be preserved. Applications shall be reviewed for potential onsite and offsite impacts arising from grading, as well as related geologic and seismic hazards, and mitigation measures may be required to offset such impacts. All areas disturbed by grading shall be revegetated with

non-invasive native plant species appropriate to the site in order to recreate as much as possible native plant and animal habitat.

2. Subdivisions may be approved only where it can be clearly demonstrated that development of each proposed parcel and construction of any necessary access roads will not significantly contribute to erosion, geologic instability, flooding, or fire hazard, all of which shall be demonstrated in the required technical reports (e.g., soils, geologic, geotechnical, erosion control, flood, and fire reports).

3. Areas that are subject to the highest category of fire hazard as indicated by the California Department of Forestry and Fire Protection Fire Hazard Rating System shall be considered unsuitable for development, unless it can be conclusively demonstrated that design measures adequately mitigate the fire hazard. This shall be demonstrated by a suitably detailed fire hazard report prepared by a qualified person to accompany the permit application. Determination of the fire hazard ratings for specific parcels shall be made using the current fire hazard rating system of the California Department of Forestry and Fire Protection.

4. The fire hazard policies contained in the Safety Element of the Monterey County General Plan and the clearance requirements of the State Forest and Fire Law (Section 4291 of the Public Resources Code) shall be regularly and consistently applied provided they are consistent with all other policies of this LCP. For example, exceptions to the State Forest and Fire Law may be necessary where ESHA is present and/or where prior restrictions (including in Forest Management Plans) dictate otherwise. The County's fire hazard map should be updated regularly, including in accordance with the most current California Department of Forestry and Fire Protection hazard rating criteria, as new and more specific information becomes available.

5. Structures to be occupied shall be set back a minimum of 50 feet from an active or potentially active fault.

6. No habitable structures shall be permitted along the shoreline in areas subject to storm wave run-up. New development shall be sited and designed in such a manner as to avoid the need for shoreline armoring and/or other such shoreline altering development over the development's lifetime, and shall include enforceable provisions for addressing any future bluff retreat/erosion danger to the development without shoreline armoring (e.g., moving the development, removing the development, etc.). In addition, bluff and cliff top development shall be permitted only if design and setback provisions are adequate to assure stability and structural integrity for the development's lifetime and if the development (including associated storm runoff, foot traffic, grading, and irrigation) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. Development on bluff faces shall be prohibited except for public access pathways, including stairways. .

7. Revetments, seawalls, retaining walls, groins, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. For the purposes of application of this policy, existing structures shall mean existing substantial structures (such as a primary residence, a major road, or a significant facility or accessway used

by the public). Shoreline armoring and/or other such shoreline altering development shall be allowed to protect existing structures if they are in danger from erosion, and if:

(a) less-environmentally damaging alternatives to such armoring/development are not feasible (including relocation of endangered structures); and

(b) the armoring/development has been sited, designed, and accompanied by measures to proportionately mitigate any unavoidable negative coastal resource impacts (on views, sand supply, public access, etc.). New development, including land divisions, that would require shoreline armoring and/or other such shoreline alteration over the lifetime of the development shall be prohibited.

8. The submittal of a site stability evaluation report is required for all bluff and cliff top development. This report is to be prepared by a qualified soils engineer or a state certified engineering geologist, as appropriate, acting within their areas of expertise.

(a) Development on slopes of 30% or more is prohibited unless such siting better addresses LUP objectives as a whole when compared to other possible siting alternatives on slopes of less than 30% associated with projects and/or sites.

9. Criteria for wet-season grading shall include extra erosion control measures as necessary to protect against erosion and sedimentation (including such options as installation of jute netting, construction of sediment catch basins and cessation of operations when soils are saturated).

10. Grading and site preparation activities for new development shall incorporate design features to prevent soil erosion, repair existing erosion damage within the development area, and prevent siltation and pollution of coastal waters.

11. Natural soil cover shall be retained in place and only the amount of disturbance necessary for construction and consistent with the provisions of this LCP shall be allowed.

12. Erosion control measures for construction which are satisfactory to the Director of Building Services (e.g., native vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods) shall be used to protect soils that have been disturbed during grading or development

13. All development shall employ adequate erosion/sediment control and water quality construction best management practices (BMPs) during construction, and all such BMPs shall be in place prior to the commencement of construction and shall be maintained in good operating condition through the construction period. .

14. Manufactured slopes shall be stabilized during construction and after completion of soil disturbance with native annual grasses and shrubs, appropriate native compatible plants, and with approved landscaping.

15. Provisions shall be made to collect and conduct runoff to drainage areas/devices capable of polluted runoff filtration/treatment (e.g., vegetated filtration strips,

detention/retention basins, storm drains, etc.) to ensure maximum on-site filtration/treatment. Permanent onsite drainage areas/devices shall be designed to accommodate increased runoff resulting from site modification. Where necessitated by good drainage design considerations, on-site retention of storm water may be considered to reduce the size requirements for drainage structures, consistent with resource protection policies.

16. Dumping of spoils (e.g., dirt, garbage, refuse, etc.) into riparian habitat and drainage courses shall be prohibited

17. Development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Natural features, such as tree cover, should be preserved. Applications shall be reviewed for potential onsite and offsite impacts arising from grading, as well as related geologic and seismic hazards, and mitigation measures may be required to offset such impacts. All areas disturbed by grading shall be revegetated with non-invasive native plant species appropriate to the site in order to recreate as much as possible native plant and animal habitat.

#### **20.147.070 SCENIC AND VISUAL RESOURCES**

Intent: It is the intent of this section to recognize that the Del Monte Forest and 17-Mile Drive are significant and important visitor destinations, and to protect the area's magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities that complement the Forest's natural scenic assets and enhance the public's enjoyment of them. To protect the scenic and visual resources of the Del Monte Forest area, only development that does not block significant public views and does not significantly adversely impact public views and scenic character, including with specific attention to the 17-Mile Drive corridor and designated public accessways/vista points, shall be allowed.

##### **A. Public Viewshed Determination**

1. The project planner shall make an on-site investigation in order to determine whether the project is within the public viewshed or affects visual access from public viewing areas. Proposed buildings and other above-ground development (i.e., fences, walls, sheds, decks, etc.) shall be accurately indicated as to dimensions, height and rooflines by poles with flags, except as outlined below. The location of proposed access roads shall be accurately indicated by stakes with flags. Both poles and stakes shall remain in place for the duration of the project review and approval process. The project planner, at his/her discretion in the process of the on-site review, may record the proposed development photographically, and may require that the applicant superimpose on the photographs a representation of the proposed project. During the on-site investigation, the planner shall also review the project for conformance with the LCP and shall determine development alternatives which would bring the project into full conformance with the LCP.

2. The standard for review is the objective determination of whether any portion of the proposed development is visible from any public viewing area or affects visual access from public viewing areas. Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season.

3. An exemption to the requirement of staking the proposed buildings, other above-ground development, and roads may be granted for proposed development that can conclusively be shown, through photos or the planner's on-site investigation, to not be visible from 17-Mile Drive and public viewing areas, including those shown on the Del Monte Forest Land Use Plan Visual Resources Map (LUP Figure 3).

B. Development Standards

1. Views from designated public accessways and vista points, from Highway 68 and 17-Mile Drive corridors, and of ridgelines as seen from the public viewing areas identified on LUP Figure 3, shall be protected as resources of public importance, and development that could adversely impact such views shall only be allowed where it protects, preserves, and if feasible enhances, such scenic resources. Conservation and scenic easements shall be required as one means of protecting such views in perpetuity.

2. Development, along with related access roads, within visually prominent settings, including those identified on LUP Figure 3, shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views, including by siting lots, access roads, and/or buildings to maximize the effectiveness of screening vegetation and related viewshed mitigation. Development shall be screened from view using native vegetation and topography. Lots, access roads, and/or buildings should also be sited to minimize tree removal and visually obtrusive grading.

3. Development within the viewshed of visually prominent settings, including those identified on LUP Figure 3, shall include adequate structural setbacks (generally a minimum of 50 feet) from such settings and shall require siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be sited and designed to harmonize with the natural setting and not be visually intrusive. Design and siting of structures in public views of scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. All structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate construction and materials to achieve that effect. Where necessary to meet LCP requirements, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views.

4. Live tree removal shall be prohibited in undeveloped areas unless it is consistent with all other LUP policies and any Forest Management Plan applicable to the area in question.

5. Structures in public view in scenic areas shall utilize non-invasive native vegetation and topography to help provide visual compatibility and, when such structures cannot be sited outside of public view, to provide partial to full screening from public viewing areas. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).

6. Ridgeline development is prohibited. In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a coastal

development permit to allow ridgeline development. "Ridgeline Development" is development on the crest or side of a hill or other location which creates a silhouette against the sky when viewed from a public viewing area. A coastal development permit for such development may only be granted if the decision making body is able to make findings that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impact due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies or development standards of this LCP. The proposed development shall be modified for height, bulk, design, size, location and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.

7. New subdivisions and lot line adjustments shall not configure a lot so as to create a building site that will result in ridgeline development. Where initial application review indicates that ridgeline development may result on a proposed lot, the applicant shall demonstrate that there is a building site and building height(s) available which will not create ridgeline development. As such, possible building site dimensions and roof heights shall be delineated by poles with flags, subject to an on-site investigation by the planner prior to the application being considered complete. A condition of project approval shall be the establishment of a building site and building height envelope that provides specifications for non-ridgeline development on the lot(s) in question.

8. Open space conservation and scenic easements shall be required, to the fullest extent possible, for visually prominent areas. These easements shall be required as a condition of project approval, in conformance with Section 20.64.280, and shall extend over that portion of the property located within the public viewshed. The easement may provide exceptions for development approved by coastal development permit. These easements shall be granted to the Del Monte Forest Foundation. Except in the case of voluntary easements or properties not subject to the permit process, these instruments shall be subject to approval by the County and the Coastal Commission as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, shall be accompanied by adequate funding to allow the management and protection objectives and requirements of the easement to be fully realized and shall name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection.

9. Utility lines shall be placed underground, typically within road access footprints, except where 1) such undergrounding would result in removal of native trees and 2) it can be shown that the lines can be hidden from public view using different siting and design approaches (e.g., placing lines behind existing vegetation or structures, etc.). In cases where above-ground utilities are proposed, applicants shall be required to conclusively demonstrate the manner in which such development meets these criteria.

10. A minimum setback of 50 feet as measured from the setting shall be maintained for all structures located in all visually prominent settings, including those identified on the Del Monte Forest Land Use Plan Figure 3. Siting and design of structures shall be such that tree

removal and alteration to natural landforms is minimized. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

11. Parking on the seaward side of 17-Mile Drive should be designed to minimize the visual impact of the parked vehicles and disturbance to the existing natural habitat.

12. New development, including ancillary structures such as fences, constructed between 17-Mile Drive and the sea (Pacific Grove Gate to Carmel Gate portion) shall be designed and sited to minimize obstructions of and degradation to views from the road toward the sea. The impact of development upon visual access shall be determined on a case-by-case basis on a site visit by the project planner. Examples of methods to reduce obstruction which may be imposed on the proposed project include, but are not limited to the following:

- (a) re-siting and/or re-design to avoid obstruction and view impacts;
- (b) height limits,
- (c) use of see-through materials for fences and gates;
- (d) limitations on types and amounts of landscape materials which would block views, including requirements for height limits at maturity and required pruning to maintain views; and
- (e) location of proposed developments.

13. New development fronting 17-Mile Drive shall maintain a minimum setback of 100 feet from the centerline of 17-Mile Drive. An exception may be allowed by the decision-making body upon a finding that the new development may be screened from view of travelers on 17-Mile Drive by existing vegetation or terrain so long as the screening vegetation or terrain is required to be maintained and/or enhanced in perpetuity. As a condition of approval, the required setback shall be placed in scenic easement in accordance with Section 20.64.280.

14. Subdivisions, as a condition of project approval, shall be required to place a minimum setback of 50 feet from the front lot line within scenic easement. The easement shall be required in accordance with Section 20.64.280

## **20.147.080 CULTURAL RESOURCES**

Intent: It is the intent of this section to ensure that the Del Monte Forest's cultural resources be maintained, preserved, and protected for their scientific and cultural heritage values, including by requiring that land use and development be considered compatible with these objectives only when such land use/development incorporates site planning and design features necessary to avoid impacts to cultural resources, and where impacts are unavoidable to minimize and reasonably mitigate such impacts.

### **A. Coastal Development Permit Requirements**



1. Notwithstanding any coastal development permit exemptions that may otherwise apply, development proposed within 750 feet of a known archaeological resource, as identified through the survey report or as shown on current County resource maps or other available information, shall be required to obtain a Coastal Development Permit.

#### B. Archaeological Report Requirements

1. The timely identification and evaluation of archaeological, historical, and paleontological resources, and coordination with applicable Native American representatives, is encouraged, so that these resources are given full consideration during the conceptual design phase of land use planning for project development. An archaeological survey report shall be required for all development within a known or potential archaeological resource area.

2. The archaeological report shall be required by, submitted to and approved by the County prior to the application being considered complete. The manner (electronic versus hard copy, number of copies, etc.) said Plan is to be submitted shall be determined by the Planning Department.

3. The archaeological report shall be prepared, at the applicants' expense, by a qualified archaeologist, as included on the County's list of archaeological consultants.

4. The archaeological report shall be prepared according to the report standards of the Register of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologists, survey of available State resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity and any identified archaeological resources, site planning and design features necessary to avoid impacts to cultural resources and to minimize unavoidable impacts, appropriate levels of development for the site, results of coordination with applicable Native American representatives, appropriate recommendations concerning needed protection of the resource, and recommended mitigation measures for unavoidable impacts. The report may be required to include additional information according to the circumstances of the particular site.

5. The archaeological report requirement may be waived under the following circumstances:

(a) a previous report was prepared for the site by a qualified archaeologist, as included on the County's list of archaeological consultants;

(b) the previous report meets all of the above identified archaeological report criteria; and

(c) the previous report clearly and adequately included the currently proposed development site within the scope of the survey.

#### C. Development Standards

1. When developments are permitted on parcels where archaeological or other cultural resource sites are located, project design shall be required which avoids or mitigates

impacts to such sites. Where the site has religious significance, emphasis shall be placed on preserving the entire site. Where the site is of known regional significance, consideration shall be given to nominating the site to the National Register, and preserving it.

2. Where significant archaeological resources are identified, all available measures including dedication of open space conservation or scenic easements and purchase of development rights shall be considered to avoid development on significant archaeological sites.

3. Development on parcels with an archaeological site and/or archaeological resources, including as identified through an archaeological report prepared for the site, shall be subject to the following conditions of approval to be completed prior to issuance of building or grading permits:

(a) The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made conditions of approval.

(b) The applicant shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.

(c) The archaeological site and/or area of archaeological resources shall be placed in conservation easement. The easement shall be required pursuant to Section 20.64.280. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants.

4. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate preservation measures shall be required. Preservation and mitigation measures shall be designed by a qualified archaeologist in accordance with current accepted guidelines, including those of the Register of Professional Archaeologists.

5. Unauthorized collecting of archaeological, historical, and paleontological artifacts is prohibited.

6. Public access to, or over, known archaeological or paleontological sites shall be sited and designed to appropriately protect such resources.

7. Prior to approval of any proposed development seaward of 17 Mile Drive at Pescadero Point (Assessor's Parcel Numbers 008-451-009-000 and 008-451-010-000, as of August, 2011), further archaeological review shall be required and mitigation measures adequate to protect the site's archaeological resource shall be developed and implemented.

#### **20.147.090 LAND USE AND DEVELOPMENT**

Intent: The intent of this section is that land use designations are directive as to the type of use, but uses shall only be allowed provided such use and related development can be

accomplished consistent with the LCP, including its resource protection requirements. Development shall be sited and designed in such a manner as to protect and enhance coastal resources, including public recreational access. The four basic goals for land use planning and development proposals in the Del Monte Forest area are:

- 1) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- 2) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state.
- 3) Maximize public access to and along the coast and maximize public recreation opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- 4) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

In applying these goals, retention of the Del Monte Forest Area's unique natural character is paramount. The Del Monte Forest area contains rich environmental resources. The long-term protection of these resources inevitably requires a cautious and thoughtful approach to planning and regulatory decisions. The natural environment and its resources vary widely in their sensitivity to development. Environmentally sensitive areas such as the locations of sensitive species, wetlands, and riparian habitats need to be protected. Other areas where potential constraints can be mitigated through careful site planning and development controls can be allowed to have appropriate levels of development.

The Del Monte Forest area is also known for its variety of passive and active recreational opportunities available to visitors and residents. The Lodge at Pebble Beach and the surrounding environs provide a central commercial core within the Forest that is popular with residents and visitors alike. Other popular destinations include Stillwater Cove near The Lodge and The Inn at Spanish Bay near the Pacific Grove gate. World famous 17-Mile Drive is a visitor destination unto itself, and provides a through way with a series of public accessways and turnouts where one can take in the sights and sounds of both the immediate coastline as well as more inland forested areas. The Forest's labyrinthine system of trails and series of other public accessways helps round out recreational offerings. And the Del Monte Forest's eight golf courses are considered some of the top golf courses in the entire world, most of which are open for general public play. Such coastal recreational opportunities must be protected and enhanced consistent with resource protection.

The Forest is also home to a vibrant residential community which has been melded with the forest resource over time. In fact, even with the level of commercial and residential development, much of the Forest remains undisturbed, which helps offset more intense developments (like the golf courses, and the more concentrated residential subdivisions), and contributes to an overall sense that there remains a forest in the Del Monte Forest – dominated by native Monterey pine and related natural resources – that has not been completely overtaken by development. Although there are limited areas where completely new development is

appropriate, redevelopment of existing developments is a common trend. Such new development and redevelopment must be sited and designed to protect the Forest's built and natural environments consistent with the Coastal Act.

A. Development Standards

1. All development and use of the land, whether public or private, shall conform to the policies and shall meet resource protection requirements as set forth in the LCP.

2. New residential driveways and other vehicular surfaces shall be sited and designed: to minimize surface length and width as much as possible and still provide simple and direct access; to minimize runoff (including through use of permeable materials, detention/retention areas, filtration strips, etc.); and to filter and treat runoff (including through vegetative controls as well as engineered collection/treatment units) from such surfaces prior to discharge offsite and/or to sensitive receptors. Circular driveways, parking spaces above the number needed for the specific application in question, and other types of extraneous impervious vehicular surfaces shall not be allowed. Other vehicular surfaces are limited to a minimum required to meet daily parking needs. Development shall be modified as necessary for location and siting where such modifications will result in reduction of driveway length, vehicular surfaces, and other impervious surfaces. This development standard shall not be read to preclude safe bicycle lanes or adequate parking for commercial visitor serving development and access points.

3. Proposed development, including subdivision, shall only be allowed up to the maximum density allowed if such development is (and will be, in the case of the commitment to future development in subdivisions) consistent with all policies of this LCP, including resource protection requirements.

4. County design review shall be required for all development in Del Monte Forest.

5. Environmentally sensitive habitat areas shall be protected from both direct and indirect adverse impacts of development.

6. New development shall incorporate mitigation measures to avoid, and where unavoidable, to minimize and reasonably mitigate potential adverse environmental impacts.

7. Transportation improvements shall include consideration of non-automobile facilities, including public transit stops. Expansion of existing commercial facilities, or development of new facilities, shall be approved only when the requirement for adequate parking can be fully satisfied on and/or off-site. Adequate parking must account for all uses on the subject site (e.g., hotel units, restaurant, employees, day use facilities, etc.), but parking supply/demand may be adjusted when such uses overlap (e.g., hotel guests use multiple aspects of resort facilities (rooms, golf, meeting space, etc.) and the amount of required parking can be reduced to reflect such overlap, if applicable).

8. New coastal-dependent land use, public and commercial recreation, and visitor-serving land uses shall have priority over other uses where public service capacities are limited.

New visitor-serving and commercial recreation facilities shall be designed to maximize opportunities for use of facilities by the public and offer a range of visitor serving facilities. Free, low-cost, and/or moderate cost facilities, such as public trails, picnic areas, viewing areas, and moderate price food and beverage services, shall be provided as a part of new visitor-serving and commercial recreation development as feasible. Plans for such facilities shall be included within and considered as part of the development proposal. Deed restrictions, required as a condition of approval pursuant to the requirements of Section 20.64.280, shall stipulate that the facilities shall be reserved at free, low or moderate cost, as applicable, to the public.

9. Clustering of uses and development shall be encouraged wherever practical as a means of preserving Forest resources.

B. Additional Development Standards By Land Use/Development Type

1. Detached or attached guesthouses are not to be equipped for permanent living and are not considered residences. Guesthouses may be permitted at the maximum rate of one for each principal residence providing the constraints of the lot and other LCP policies are met (including with respect to height, setbacks, and related measures, and also cumulatively in addition to all other development on the site for coverage, FAR, and related measures). Detached guesthouses shall be located in close proximity to the principal residence, share the same utilities except where prohibited by public health or water management district requirements, contain no kitchen or cooking facilities, and be limited to 425 square feet. Subdivisions that would divide a principal residence from a guesthouse are prohibited. Conditions shall be enforced by CC&Rs and/or other legal restrictions, including a revocation provision for non-conformance. Guesthouses are not counted as dwelling units for residential density purposes.

2. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size lot provided the constraints of the lot and other LCP requirements are met. The use of such accessory structures for habitation purposes shall be prohibited. Conditions shall be enforced by CC&Rs and/or other legal restrictions, including a revocation provision for non-conformance.

3. Accessory dwelling units are encouraged as an appropriate means of providing affordable housing for caretakers, convalescent help, domestic employees, and others. Accessory dwelling units are not counted as dwelling units for residential density purposes, and they may be permitted at the maximum rate of one of each per each principal residence provided the constraints of the lot and other LCP policies are met.

4. Employee housing is permitted for priority visitor-serving commercial and recreational uses (e.g., Pebble Beach Equestrian Center) provided such housing is accessory to the main priority use and is consistent with all other LCP policies.

5. Recreation in environmentally sensitive habitat areas such as dunes, wetlands and areas with sensitive plant or animal species is limited to passive, low-intensity recreational use that is dependent on and compatible with the sensitive habitat area resources, where such resources shall be protected against any significant disruption of habitat values

6. Shoreline areas suitable for scenic outdoor recreation, such as from Cypress Point to Point Joe, are for day use only, with improvements limited to trails, picnic areas, parking areas, and restroom facilities.
7. All public access improvements in the Spanish Bay planning area should be coordinated with plans of the State Department of Parks and Recreation for adjoining Asilomar State Beach to ensure compatibility and a balance of public access opportunities.
8. Other than a parking lot to support The Inn at Spanish Bay (concurrent with the elimination of parking along Congress Road between 17-Mile Drive and Forest Lodge Road and restoration of such roadside area as native Monterey pine forest habitat) and public recreational access improvements, LUP Planning Area B shall remain undeveloped.
9. New development fronting 17-Mile Drive shall maintain an adequate natural buffer to protect public views of, from, and along the 17-Mile Drive corridor. A minimum setback of 100 feet from the centerline of the road shall be maintained to screen new development from such public views (for motorists, bicyclists, pedestrians, etc.), unless otherwise screened by vegetation and/or terrain in which case the setback may be reduced if the screening terrain/vegetation is required to be maintained and/or enhanced in perpetuity for screening and public viewshed enhancement purposes. Direct driveway access to 17-Mile Drive should be avoided where possible.
10. Subdivisions shall provide and maintain an adequate natural buffer to protect forested areas, including forested road corridors, throughout Del Monte Forest and to screen new development. A minimum setback of 50 feet from the front lot line for all development other than driveway and utility connections shall be required in all new subdivisions.
11. Golf course development shall be limited to areas designated Open Space Recreational and only where consistent with all other LCP policies.
12. Commercial development may be permitted when integrated with other visitor-serving facilities.
13. New visitor-serving and commercial recreation facilities shall be designed to maximize opportunities for public use and offer a range of visitor serving facilities. Low, no, and moderate cost facilities shall be provided as feasible (e.g., trails, picnic facilities, moderately-priced food and beverage service, viewing areas, etc.).
14. Low intensity public visitor-serving facilities (such as a restaurant, golf-related shops, etc.) shall be allowed at Del Monte Forest golf courses.
15. Certain areas have been mined for silica and other minerals and are in need of rehabilitation. The portions of these areas that no longer constitute dune or other sensitive habitat are the most suitable for more intensive development, as compared with other forested and undeveloped land. Consequently, those areas are identified for development (including for visitor accommodations, recreational facilities, corporation yards, and residential development) provided such development is sited and designed to avoid, buffer, and enhance adjacent

environmentally sensitive habitat areas. The more intensive use of such portions of these areas that no longer constitute dune and/or other sensitive habitat provides an appropriate mechanism to enhance remaining dune and other habitats that are associated with such previously mined areas and consequently repair any related habitat damage.

16. The former Spyglass Quarry site in the Spyglass Cypress Planning Area may be developed with a hotel or with low-density single-family residences pursuant to the Pebble Beach Company Concept Plan.

17. Development shall be prohibited in the former Sawmill Gulch Quarry site (both upper and lower sections) in the Gowen Cypress planning area, except: public recreational trails and related minor facilities; habitat restoration, enhancement, and management; and normal and typical maintenance activities associated with each. This area shall otherwise be preserved, managed, and maintained as undeveloped open space and a component of the Huckleberry Hill Natural Habitat Area.

18. Use of The Links at Spanish Bay and Poppy Hills Golf Course by the general public shall be maximized. Except for periods of scheduled tournaments, the following requirements for public availability of the courses shall apply:

(a) The Links at Spanish Bay: The course shall be available for use by the general public as well as resort guests on a first come, first served basis at least 50% of the time. The periods of availability shall be calculated in such a manner as to assure reasonable starting times for the general public.

(b) Poppy Hills Golf Course: The course shall, in recognition of the Northern California Golf Association's (NCGA) broad based, quasi-public membership policy, be available to the general public on a space-available basis. NCGA members and guests may reserve times up to 3:00 p.m. on the day preceding a desired day of play and one starting time per hour shall be reserved by the NCGA. After 3:00 p.m., reservations for starting times for the following day shall be available on a first-come, first-served basis.

If ownership or operation of the NCGA Poppy Hills Golf Course changes, use of the course by the general public shall be on the same basis as that required at The Links at Spanish Bay.

Any future changes to either course, as the courses are improved and/or redeveloped over time, shall be designed to maintain and to include public viewing areas and trails designed to maximize their utility with respect to public recreational access connectivity and utility, consistent with habitat and safety considerations.

19. The Links at Spanish Bay shall continue to provide for the restoration/enhancement of dune landforms and native habitat that is interspersed throughout and adjacent to the course. Such restoration and enhancement shall be included in all future course improvements or redevelopment. To provide maximum opportunity for the re-establishment of native wildlife and plants and to preserve existing dune and forest habitats, the golf course design shall continue to accommodate habitat areas and habitat connectivity.

Improvements or redevelopment of The Links at Spanish Bay golf course shall, to the extent applicable to the affected area, be subject to the following criteria:

(a) Prior to grading of the site, a detailed rehabilitation plan shall be submitted, and such plan shall identify the locations of any affected dune, wetland, and/or riparian habitats and identify measures to avoid, restore, and enhance such areas, including, as applicable; source and finished depth of surface materials to be used in dune restoration/enhancement areas; species, sources, and methodology to be used in reestablishing native vegetation cover; any structural development within or adjoining the rehabilitation areas (i.e., pedestrian barriers, bridges, etc.); a schedule for completion; and measures for long-term maintenance of the restored/enhanced habitats in a natural condition, including control of invasive, non-native plants within designated natural habitat areas.

(b) The amount of contiguous marsh and open water areas shall equal or exceed that presently found on the site.

(c) The amount of riparian vegetation and open water course shall be equal to or greater than presently exists.

(d) Where golf course tees, greens, fairways, paths, bridges, and public accessways are developed within 100 feet of riparian and wetland areas, they shall be designed to avoid any significant disruption (from construction and future use) of such areas; other developments should be located beyond this 100-foot riparian and wetland buffer area.

(e) In the dune restoration/enhancement areas, dune landforms shall be surfaced with sand having substantially the same mineral and physical properties, including color and appearance, as that associated with the Asilomar Dunes complex; the depth and composition of sand shall be sufficient, subject to the availability of feasible sand source(s), to provide optimum conditions for reestablishment of native dune flora.

(f) At least 25% of the approximately 165-acre golf course area shall be designated and maintained as dune habitat restoration area (including existing remnant natural dune habitat areas which may be protected within the golf course perimeter).

(g) Barriers, boardwalks, signing, informational materials and other measures identified in this LCP shall be provided to protect existing and restored environmentally sensitive dune habitats.

(h) Accommodations for spectators shall be designed, located, and managed to avoid trampling of all environmentally sensitive habitat areas. Events that cannot avoid such trampling are prohibited.

20. Pebble Beach Company's corporation yard, offices, storage, maintenance, waste processing, utilities and other related facilities are allowed at the former granite quarry site adjacent to LUP Planning Area G. A portion of the former granite quarry may be developed with medium-density single family residences pursuant to the LUP's Pebble Beach Company Concept Plan. Monterey pine should be utilized in landscaping to stabilize fill embankments



and to screen quarry walls, thus helping the area to blend in with the surrounding environment.

## **20.147.095 PEBBLE BEACH COMPANY CONCEPT PLAN**

Intent: It is the intent of this section to recognize the Pebble Beach Company's unique property ownership and management role in the Del Monte Forest area, to pursue the opportunity to achieve a "final buildout" of Pebble Beach Company's significant undeveloped lands in the Del Monte Forest (with the vast majority of such lands to be dedicated for permanent open space protection and resource conservation), and to resolve potential conflicts in interpretation regarding allowed development on the portion of these lands identified for development and redevelopment.

### **A. Pebble Beach Company Concept Plan Background**

Pebble Beach Company is the owner of the vast majority of the undeveloped land in Del Monte Forest and it has developed a Concept Plan that includes dedication and preservation of most of its undeveloped land, and development and redevelopment of other areas. This Concept Plan includes additions, improvements, and/or redevelopment at certain Pebble Beach Company visitor-serving and commercial facilities, including The Lodge at Pebble Beach, The Inn at Spanish Bay, the Equestrian Center, and the Pebble Beach Driving Range. In one area (the former Spyglass Quarry in Area M), the Concept Plan introduces a new 100-room or smaller standard hotel (i.e., not a timeshare, private ownership, or similar structure) and related resort facilities (such as a restaurant, spa, meeting rooms, and parking), or 10 or fewer single-family residential lots. In other areas, the Concept Plan envisions limited single-family residential development, and also includes a series of public recreational access and visitor-serving improvements. The remainder of the Concept Plan provides for long-term preservation, enhancement, and management of undeveloped preservation areas as protected habitat in perpetuity. Development pursuant to the Concept Plan will also require certain infrastructure improvements, primarily traffic-related, which are recognized and also included as part of the Concept Plan.

This section describes the Pebble Beach Company Concept Plan (the "Concept Plan") and establishes certain specific standards that govern LCP requirements concerning ESHA, wetlands, dunes, streams, riparian corridors, and their related setbacks/buffers for Concept Plan areas, provided (1) development associated with such standards meets all other relevant LCP requirements; (2) permanent open space/conservation easements have been dedicated to the Del Monte Forest Foundation for all areas shown on LUP Figures 9a through 9t, and adequate implementation measures have been established to ensure protection and management of such areas as protected habitat areas in perpetuity; and (3) the traffic, water, wastewater, public access and recreation, affordable housing, and low-cost visitor serving requirements of this LCP are implemented in accordance with this LCP, including with respect to specific Concept Plan requirements identified below. The Concept Plan as it applies to each of these areas is included in the LUP as Figures 9a to 9t. The special standards that apply to the Concept Plan areas are described below.

### **B. Requirements Applicable to ESHA, Wetlands, Dunes, Streams, and Riparian Corridors**

1. Notwithstanding the presence of ESHA, wetlands, dunes, streams and riparian corridors, development located in the following areas shall be allowed as indicated below. The portion of Area B located west of and including the fire road nearest the intersection of Congress Road and 17 Mile Drive (see LUP Figure 9a).

2. The portion of Area F known as F2 in the lot configuration generally shown in LUP Figure 9b.

3. The portion of Area I known as I2 in the lot configuration generally shown in LUP Figure 9c.

4. The portion of Area J in the lot configuration generally shown in LUP Figure 9d.

5. The portion of Area K in the lot configuration generally shown in LUP Figure 9e.

6. The portion of Area L in the lot configuration generally shown in LUP Figure 9f.

7. The portion of Area M identified as the "development area" on LUP Figures 9g(1) and 9g(2).

8. The portion of Area U in the lot configuration generally shown in LUP Figure 9h.

9. The portion of Area V in the lot configuration generally shown in LUP Figure 9i.

10. The portion of the Equestrian Center/Driving Range area identified as "Equestrian Center", "Special Event Staging", and "Driving Range" on LUP Figures 9h and 9j.

11. The portion of The Inn at Spanish Bay area identified for hotel expansion ("Spanish Bay Cottages") as generally shown on LUP Figure 9k.

#### C. Requirements Applicable to Certain Setbacks/Buffers

Setback/buffer requirements applicable to ESHA, wetlands, dunes, streams, and riparian corridors located outside of the areas listed in subsection B above shall apply as follows:

1. Setbacks/buffers for residential and related development in Areas F, I, J, K, L, U, and V, and the Corporation Yard area (in the configurations generally shown in LUP Figures 9b, 9c, 9d, 9e, 9f, 9h, 9i, and 9l) may be coterminous with such lot lines and roadway access areas provided that:

(a) The setback/buffer applicable to the western portion of Lot 1 in Area L (see LUP Figure 9f) shall be coterminous with the western edge of the lot line provided the existing watercourse along the western edge of Lot 1 is realigned and restored 50 feet to the west of its current location.

(b) The setback/buffer applicable to the southwestern portion of Lots 1 through 7 in Area V (see LUP Figure 9i) shall extend 100 feet as measured from identified ESHA, wetlands, dunes, streams, and riparian corridors between these lots and Stevenson Road, or shall extend to the existing tree canopy on these lots, whichever is less.

2. Setbacks/buffers for parking lot development in Area B may be as shown on LUP Figure 9a.

3. Setbacks/buffers for hotel development in Area M may be as generally shown on LUP Figure 9g(1) provided that degraded dune areas adjacent to the development area are restored as dune habitat, and that any landscaped areas inside of and within 100 feet of the edge of the development area are landscaped in a form, and planted with native species, compatible with the adjacent dune areas.

4. Setbacks/buffers for equestrian center, special event staging, and driving range development in the areas labeled as "Equestrian Center," "Special Event Staging," and "Driving Range" on LUP Figures 9h and 9j may be coterminous with the boundaries of those areas.

5. Setbacks/buffers for hotel development in The Lodge at Pebble Beach area ("Fairway One Cottages") and The Inn at Spanish Bay area ("Spanish Bay Cottages") may be as shown on LUP Figures 9m and 9k provided that vegetative and/or topographic buffering is provided between such development and 17-Mile Drive in such a way to ensure that such development effectively integrates into the existing built and natural environment as seen from 17-Mile Drive.

6. Setbacks/buffers for conference center development in The Pebble Beach Lodge area and The Inn at Spanish Bay area may be as shown on LUP Figures 9n and 9o.

#### D. Requirements Applicable to Further Subdivision

The residential lots as shown in the general configurations in LUP Figures 9b, 9c, 9d, 9e, 9f, 9g(2), 9h, 9i, 9l, and 9p shall not be further subdivided and shall be so restricted by deed restrictions and B-6 building site zoning overlay district upon their initial subdivision.

#### E. Requirements Applicable to Preservation Areas

Easements over all preservation areas shown on the Concept Plan (LUP Figures 9a to 9t) shall be dedicated to the Del Monte Forest Foundation in perpetuity through Open Space Conservation Easements in a form and content approved by the County and the Executive Director of the Coastal Commission, as a condition of the first development in the Concept Plan that is approved. Such dedication shall be accompanied by a comprehensive forest and resource management plan for such areas, along with all necessary measures, including adequate funding, to assure implementation in such a way as to ensure enhancement, protection and management of such preservation/easement areas as protected and self-functioning habitat areas in perpetuity. Such plan shall, as feasible, also incorporate prior forest and resource management requirements (and updated requirements, as appropriate in light of changes in resource conditions or understandings) associated with other Del Monte Forest properties that

the Pebble Beach Company either previously deeded or previously dedicated as easements to the Del Monte Forest Foundation as a means of providing a unified and updated plan for long term management of all such areas in perpetuity.

F. Requirements Applicable to Forest Management on Residential Lots

Forest management and maintenance on the Concept Plan residential lots shall be required in the same manner as is generally applicable to residential development in the Forest, where the LCP's Forest Management Plan requirement applicable to individual concept plan residential lots may be covered by an overall Forest Management Plan for all of the lots, or by Forest Management Plans applicable to related lots (e.g., Forest Management Plans specific to each subdivision area). Deed restrictions shall be imposed on the individual Concept Plan residential lots requiring the owner to comply with the applicable Forest Management Plan, but conservation easements to the Del Monte Forest Foundation shall not be required for the Concept Plan residential lots. Dedication of Preservation Areas noted above provides the required forest habitat and tree replacement for Concept Plan development.

G. Requirements Applicable to Traffic and Circulation

Approval of any development proposed by Pebble Beach Company that is based on the Concept Plan shall incorporate and/or require as a condition of approval improvements to the Highway 68/17-Mile Drive intersection area, including redevelopment of the Highway 1 gate (see LUP Figure 7), and improvements to The Lodge area parking and circulation system (see LUP Figure 9q) that improve circulation consistent with all LCP policies. Such approvals granted to Pebble Beach Company must also incorporate and/or require as a condition of approval all other necessary measures and modifications that are identified during the development review process to adequately address traffic and circulation issues associated with the approved development.

H. Requirements Applicable to Water and Wastewater

Development pursuant to the Concept Plan may satisfy its water demand through the use of water supply associated with the Pebble Beach Water Entitlement (identified in the Pebble Beach Company-MPWMD Fiscal Sponsorship Agreement dated October 3, 1989, as amended), consistent with applicable law for such use. Estimated water demand of the Concept Plan is 135 acre feet per year (AFY). The unused portion of Pebble Beach Company's MPWMD Water Entitlement in 2011 was 225 AFY. All Concept Plan approvals based on the Pebble Beach MPWMD Water Entitlement shall clearly reflect the use of such water entitlement, including in terms of ongoing documentation and calculation of remaining entitlement as Concept Plan approvals are granted. All approvals granted to the Pebble Beach Company for Concept Plan development must also incorporate and/or require as a condition of approval all other necessary measures and modifications that are identified during the development review process to adequately address water supply issues associated with the development.

Wastewater capacity at the Carmel Area Wastewater District (CAWD) was available as of 2011 to serve all development pursuant to the Concept Plan. Estimated wastewater treatment

demand under the Concept Plan is 150,000 gallons per day (gpd). Capacity available to the Pebble Beach Community Services District for treatment at the CAWD plant was 500,000 gpd in 2011. Approval of any development under this Concept Plan shall incorporate and/or require as a condition of approval all necessary measures and modifications that are identified during the development review process to adequately address wastewater issues associated with the proposed development, including that it shall identify and appropriately offset all wastewater impacts and comply with Regional Water Quality Control Board sewage treatment capacity requirements. Development approved under the Concept Plan shall also incorporate measures designed to ensure that all Pebble Beach Company golf courses are irrigated using recycled water as much as possible as a condition of the first development in the Concept Plan that is approved.

#### I. Requirements Applicable to Public Access and Recreation

As a condition of approval of the first development in the Concept Plan, the Pebble Beach Company shall be required to prepare and implement a Del Monte Forest Public Access Management Plan that is subject to review and approval by the County and the Executive Director of the Coastal Commission. The Plan shall clearly describe the manner in which general public access in the Del Monte Forest is to be managed and provided (including through improvements to existing access areas and development of new access areas, as appropriate), with the objective of maximizing public access to all major access points (e.g., all shoreline access locations, trails, parking areas, destinations, facilities, etc.) and all related public access areas, and maximizing utility and enjoyment of all such public access features through siting and design premised on seamlessly integrating them into the built and natural environment, and through provision of appropriate public access amenities (i.e., landscaping, irrigation, restrooms, overlooks, interpretive signs and facilities, bench seating, trash and recycling, bike racks, etc.) and signage/information. The Plan shall at a minimum include the following:

1. Public Access Areas. All public access areas in the Del Monte Forest shall be clearly identified as such on the Plan, including through maps, site plans, elevations (as appropriate), and photographs of each access area clearly identifying all elements of access so that it is clear what areas are available for public access and use. All public access and use parameters for each area shall be clearly identified, including with respect to different types of access features (i.e., shoreline accessways, trails, etc.), for specific access features (i.e., for individual access points, trail segments, etc.), and for different user types (i.e., cars, pedestrians, bicyclists, equestrians, etc.). At a minimum, public access areas associated with the following shall be included and so detailed:

- (a) 17-Mile Drive, including bike access and bike lanes.
- (b) All defined accessways adjacent to 17-Mile Drive (including at Moss Beach, Point Joe, China Rock, Bird Rock, Seal Rock, Fanshell Beach, Cypress Point, Crocker Grove, Lone Cypress, Ghost Tree/Pescadero Point, Shepherds Knoll, Huckleberry Hill, etc.).
- (c) All trails along 17-Mile Drive and the shoreline.

(d) All public access areas at The Inn at Spanish Bay, including public access parking and trail connectivity.

(e) All public access areas at The Lodge at Pebble Beach and the Pebble Beach commercial core area, including access through the commercial area and Lodge to and including Stillwater Cove and Sloat accessways, and including parking provisions (including in the commercial area and at Peter Hay, Casa Palmero, and the Beach and Tennis Club).

(f) All public access areas at the new hotel site at the former Spyglass Quarry (at LUP Area M).

(g) Pebble Beach Company golf courses and the Pebble Beach Equestrian Center, specific only to their public access and use parameters.

(h) All beach access and accessible sandy beach areas.

(i) The Del Monte Forest trail system, including with respect to connections outside of the Forest in Pacific Grove and Carmel.

(j) Access areas in the Del Monte Forest owned by the Del Monte Forest Foundation (e.g., Indian Village).

(k) All access areas and improvements identified in former LUP Appendix B (as certified in the original LUP in 1984).

(l) All access areas and improvements required as part of the Spanish Bay development pursuant to coastal development permit 3-84-226.

(m) New access areas to be developed as part of the Concept Plan, including those necessary to offset public access impacts from Concept Plan development.

2. Public Access Area Improvements. For each of the public access areas identified above, all necessary and feasible improvements to provide optimum vehicular, pedestrian, bicycle, and equestrian access to and along the shoreline, and as close to the sea as possible, taking into account the need to balance such access with existing resort and recreational facilities, private property, and public safety, and the need to avoid interfering with existing resort operations and golf course play, shall be identified and developed per the Plan.

3. Public Access Signs/Materials. The Plan shall identify all signs, handouts, brochures, procedures, and any other elements that will be used to facilitate, manage, and provide public access in the Del Monte Forest, including identification of all public education/interpretation features (educational displays, interpretive signage, etc.). All access areas shall be signed in such a way as to make clear that such areas are available to public access, and in such a way as to provide clear direction on navigating within the Forest, including at a minimum improved trail signs and directions, and way-finding kiosks or similar structures at key visitor destinations in the Forest (i.e., at the Pacific Grove and Carmel gates, at major shoreline accessways, at key segments of the California Coastal Trail (i.e., connections at Asilomar State Beach and Carmel Beach, etc.), at The Lodge commercial area, etc.). Any

specific use parameters shall be clearly identified. All sign and other such informational materials shall use a unified design theme wherein all signs and materials use similar materials, colors, fonts, figures, symbols, layouts, and other associated elements so as to provide a recognizable program that extends throughout the Forest and relates back to informational brochures, way-finding maps, etc. In addition:

(a) Signs. Signs may be categorized by sign types (e.g., trail signs, overlook signs, parking signs, interpretive signs, informational signs, etc.) provided all signs are consistent with the overall Forest theme, and provided all signs within a sign type shall be similarly designed to facilitate ease of recognition (for example, sign types may use the same letter type and size, employ the same palette of colors/materials, and be installed at the same height). All signs shall be designed to integrate with the character of the sign location, and shall be: fabricated of natural or natural looking materials that are compatible with locational character to the maximum extent feasible and that have limited areas of contrasting materials and color (i.e., materials such as stone, wood, COR-TEN<sup>®</sup> steel, etc.); consolidated so as to limit the number of freestanding poles or other structures devoted exclusively to signage; and part of a coordinated hierarchy of information and related design elements such as sign size, text size, and color.

(b) Public Access Brochure. A Public Access Brochure shall be included as a component of the Plan, and shall be subject to the requirement that it be updated (subject to County and Executive Director review and approval) whenever significant public access changes occur in the Forest, and at least once every five years. The Brochure shall clearly and accurately identify all public access areas, amenities, and use provisions within the Forest (including all trails, parking areas, destinations, facilities, etc.) consistent with the Plan at a scale and in a design that is easily understood. The Brochure shall be provided at key visitor destinations in the Forest, including as a gate handout for visitors entering the Forest for which it may be developed as a separate public access insert to the existing 17-Mile Drive gate handout, provided it is clear that such insert is to be distributed (with the remainder of the gate handout) to all visitors entering Del Monte Forest.

(c) Acknowledgments. All signs, handouts, brochures, procedures, and other public access information elements shall acknowledge the participants in the Plan including the Pebble Beach Company, County of Monterey, the California Coastal Commission, and other applicable entities, and shall clearly reflect that the trail system is a component of the California Coastal Trail.

4. Public Access Disruptions Prohibited. Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, and barriers to public access such as fences, temporary structures, private use signs, closures, etc.) shall be prohibited, except that the Pebble Beach Company may charge a vehicular gate fee subject to LUP requirements, and except that the Pebble Beach Company may restrict entrance to the Del Monte Forest and/or use of 17-Mile Drive and other public access areas during special events in the Forest as long as such public access use restrictions are minimized as much as possible and are clearly identified through all necessary processes. Public access areas shall be maintained in a manner that maximizes public use and enjoyment consistent with the operation of the applicable public access area.

5. Public Access Use Hours. Public use access hours shall be maximized. Such hours are generally limited to daylight hours.

6. Public Access Fees. Other than fees related to certain facility use and other than fees consistent with the LUP for vehicular access at each Del Monte Forest gate, all public access areas and amenities, including pedestrian and bicycle access at the gates, shall be available to the general public free of charge. Any proposed increases to the gate vehicle fee shall be subject to review by the County and the Coastal Commission's Executive Director, and shall be submitted with clear evidence of the manner in which it complies with the LUP's requirements specific to vehicular fee increases.

7. Public Access Plan Adjustments. The Plan shall provide that minor adjustments may be allowed by the County and the Executive Director if such adjustments:

- (a) are deemed reasonable and necessary; and
- (b) improve public access and do not adversely impact coastal resources.

8. Public Access Areas and Amenities Maintained. The Pebble Beach Company shall manage and maintain all Del Monte Forest public access areas and related amenities associated with the Plan on Pebble Beach Company land (and on land for which Pebble Beach Company has assumed such obligation) in their approved state and consistent with all Plan provisions in perpetuity. Others shall similarly manage and maintain areas and amenities associated with the Plan but not managed and maintained by the Pebble Beach Company consistent with their LCP and CDP obligations. At least once every five years (and by May 1st of each fifth year), the Pebble Beach Company shall assess the condition of all such public access areas and amenities, and shall provide a copy of such assessment for the review and approval by the County and the Coastal Commission's Executive Director. The assessment shall identify the existing condition of such areas and amenities, shall recommend actions necessary to maintain areas and amenities in their Plan-approved and/or Plan-required state, and shall include photographs of such areas and amenities. Actions necessary to maintain such areas and amenities in a structurally sound manner and their approved state shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director.

The Pebble Beach Company, and all successors and assigns, shall implement the Del Monte Forest Public Access Management Plan on Pebble Beach Company land (and on land for which Pebble Beach Company has assumed such obligation), and others shall implement the Plan consistent with their LCP and CDP obligations, which shall govern all Del Monte Forest public access. The Plan shall make clear that the Pebble Beach Company, the County, and the Coastal Commission (through its Executive Director) agree that the Plan governs public access in this way, and that any differences between Plan provisions and other documents shall be resolved in favor of Plan provisions and maximum public access. The Plan shall include signatory blocks for the Pebble Beach Company, the County, and the Coastal Commission, and shall only be deemed approved when it has been signed and dated as to its approval per the signatory blocks.



J. Requirements Applicable to Low-Cost Visitor-Serving Facilities

Lower-cost overnight visitor-serving accommodations shall be provided for as a condition of approval of the first development in the Concept Plan that provides for additional overnight visitor-serving accommodations. The condition should be satisfied by payment of a fee to an organization acceptable to the County and the Coastal Commission's Executive Director to provide for lower-cost overnight visitor accommodations in the coastal zone.

K. Requirements Applicable to Affordable Housing

The Pebble Beach Company shall comply with the County's Inclusionary Housing Ordinance in the manner approved by the County. In addition to the 10 market rate units identified at the Corporation Yard site, an additional 20 units of inclusionary housing may be allowed within the same development footprint as identified in Figure 9I.

L. Implementation of Concept Plan

All relevant LCP requirements shall apply to each element of the Concept Plan, except as described in this Concept Plan section or as otherwise noted in other policies. In recognition of the relative specificity of the Concept Plan and the benefits accruing from it, it is the premise of this LCP that none of the LCP requirements will be applied in a manner to prevent reasonable development consistent with the Concept Plan, and in particular to prevent reasonable residential development on any of the Concept Plan residential lots in a manner generally consistent with the residential development on similar residential lots in the Del Monte Forest.

## 20.147.100 CIRCULATION

Intent: It is the intent of this section to encourage continued development of a multi-modal circulation system within the Del Monte Forest that provides an adequate level of service with minimal intrusion to the Forest environment, to ensure adequate and effective public recreational access, to encourage separation of visitor and resident traffic, and to provide for a proportionate share of the improvements necessary to impacted areas of Highway 68, which serves as an external access route to the Del Monte Forest.

A. Development Standards

1. 17-Mile Drive shall remain open to the public for recreational use and any entrance fee charged shall be limited to a vehicular access fee (i.e., pedestrian and bicycle access shall remain free) and shall remain reasonable.

2. The vehicular entrance fee as of January 1, 2011 was \$9.50, and it was last increased to that amount on April 1, 2010. The entrance fee may be increased over time, as long as it is not increased by more than the increase in the Consumer Price Index (CPI) or more than 5% per year, whichever is less, on a cumulative basis as measured from the date of the last gate fee increase.

3. The recreational and scenic value of the 17-Mile Drive corridor shall be maintained by appropriate siting and design of new development to minimize public view impacts associated with the corridor as much as possible, including through the use of appropriate building setbacks along sections of 17-Mile Drive where such new development will occur.

4. To protect public access to the shoreline and reserve limited highway capacity for coastal priority uses, development in the Del Monte Forest shall be required to identify and appropriately offset all circulation impacts, with preference given to mitigation measures designed to improve public recreational access and visitor-serving circulation. All such development shall either bear the incremental costs of necessary improvements to Highway 68 and the Highway 1 gate required as a result of traffic generated by the development, or pay into a fund that will be administered by the County for the incremental costs of necessary improvements to Highway 68 and the Highway 1 gate required as a result of traffic generated by the development. Approval of any development proposed by the owner of the Del Monte Forest road system (Pebble Beach Company) that is described in the Pebble Beach Company Concept Plan (Section 20.147.095) shall incorporate and/or require as a condition of approval improvements to the Highway 68/1/17-Mile Drive intersection area, including redevelopment of the Highway 1 gate (see LUP Figure 7), and improvements to The Lodge area parking and circulation system (see LUP Figure 9q) that improve circulation consistent with all LCP policies. Such approvals granted to Pebble Beach Company must also incorporate and/or require as a condition of approval all other necessary measures and modifications that are identified during the development review process to adequately address traffic and circulation issues associated with the proposed development.

5. Approval of new subdivision and/or hotel development in the Del Monte Forest shall be based upon professional engineering traffic studies that will identify and provide for circulation changes/improvements necessary to appropriately offset such development's impacts on existing visitor and residential circulation needs. Approval of any such development shall incorporate and/or require as a condition of approval the identified mitigation for circulation changes/improvements.

6. Circulation changes and/or improvements in the Del Monte Forest shall utilize to the maximum extent feasible existing disturbed areas.

7. Parking reorganization and other measures to best accommodate visitors consistent with maintaining/enhancing public views and protecting sensitive habitat shall be implemented at all accessways as a condition of approval of any development that is described in the Pebble Beach Company Concept Plan (in Section 20.147.095) as a means to improve visitor visual and physical access to the shoreline.

8. Relocation of portions of 17-Mile Drive is encouraged where the purpose is to improve public views of scenic resources, reduce conflicts between visitor and resident traffic, and allow for the separation of bicycle/pedestrian and vehicular traffic.

9. Development or expansion of visitor-serving facilities should be planned to maximize opportunities for use of public transportation systems.

10. Non-automobile transportation modes (e.g., trails) shall be considered and, where feasible, included in new development proposals. Appropriate considerations for residential developments include non-vehicular connections to the trail system and to commercial or visitor-serving facilities, including where such connections will facilitate enhanced trail connectivity and/or close trail gaps.

11. Improved bicycle access and connectivity within the Del Monte Forest, including a safe and usable through route (off-road preferably) from Pacific Grove to Carmel where space and grades permit, as close as feasible to the sea, is encouraged. Development that affects existing bicycle access (e.g., road improvement projects) shall include enhanced bicycle access improvements if such improvements are feasible.

12. To preserve both visual and physical access to the coast, the impacts on the road system of the Del Monte Forest and on Highway 68 and Highway 1 resulting from incremental development of the Forest shall be mitigated in conjunction with, or as a function of, new development.

13. Circulation improvements shall include improved visual access to the sea where needed along Highway 68 and 17-Mile Drive.

14. Applications for development in the Del Monte Forest shall include an analysis of the traffic generation of such development and an analysis of the probable routes of such traffic. If the decision making body determines that the additional traffic generated by such development will create the need for additional traffic facilities, including changes and/or enhancements, to account for traffic that will exceed Level of Service D and without regard to any other traffic generated by other sources, the decision making body shall require the applicant to contribute to the County, at the time of construction, the applicant's estimated proportionate share of the cost of those facilities made necessary to which the development contributes.

#### **20.147.110 WATER AND WASTEWATER**

Intent: It is the intent of this section to ensure that development only be approved if it can be served by adequate and long-term public water supplies and wastewater treatment capacities, that priority for use of scarce water and wastewater treatment capacity be for coastal priority land uses, and that wastewater systems which minimize or eliminate ocean pollution, and which provide for reclamation of wastewater for reuse, be encouraged and supported.

##### **A. Development Standards**

1. Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate, long-term, public water supply, and where such development clearly incorporates all necessary measures to assure no net increase in water demand from Cal-Am sources where extraction is leading to resource degradation, other than development that uses the remaining available Pebble Beach Company MPWMD Water Entitlement from the original 365 acre-feet per year granted to Pebble Beach Company

(pursuant to its Fiscal Sponsorship Agreement with MPWMD, dated October 3, 1989, as amended), consistent with applicable law for such use.

2. New development shall employ water conservation techniques to the greatest possible extent. This shall include, among other things, use of water-saving fixtures, retaining native plants, and installing drought-tolerant landscaping.

3. In reviewing development applications, the County shall consult with the MPWMD and Cal-Am to determine that an adequate, long-term public water supply is available to serve proposed development.

4. The County shall reserve water from any MPWMD and/or Cal-Am allocation for coastal priority uses.

5. Development shall only be approved if it is first clearly demonstrated that there is adequate, long-term public wastewater treatment capacity to serve such development.

6. Wastewater disposal systems which minimize or eliminate Carmel Bay pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.

7. Recycled wastewater shall be used as much as possible to irrigate all golf courses and landscaping areas, to the extent recycled water is reasonably available for such purpose, in order to conserve and make available additional potable water for domestic use. Development associated with golf courses and/or non-residential landscaping shall incorporate measures designed to ensure that such golf courses and/or landscaped areas are irrigated using such recycled water as much as possible.

8. Septic systems, package treatment plants, and individual water wells shall not be permitted. Development shall utilize public water and sewer services.

9. Development shall only be approved if it is first clearly demonstrated that the additional wastewater discharge associated with such development will not significantly adversely impact coastal resources, including primarily in terms of Carmel Bay.

10. Where existing or planned water and wastewater facilities can accommodate only a limited amount of development, water and wastewater services shall be assured for coastal-priority visitor-serving and public recreational uses (e.g., The Inn at Spanish Bay and The Lodge at Pebble Beach resort and golf facilities, the Poppy Hills golf course facility, the Spyglass Hill golf course facility, shoreline accessways, etc.) before new residential uses are permitted.

#### **20.147.120 HOUSING**

Intent: It is the intent of this section to insure that affordable housing is made available for citizens of Monterey County, and that housing opportunities for persons and families of low to moderate income be protected and provided, both within the Del Monte Forest and in outlying areas, as a function of new development within the Forest.

A. Development Standards

1. The County shall encourage the expansion of housing opportunities for low and moderate-income households, including a requirement that all new residential subdivisions contribute to the provision of low and moderate-income housing. The allowance of accessory dwelling units may also serve to further this objective in the Del Monte Forest

2. All new residential subdivisions are required to contribute to the provision of very low, low, and moderate income housing in conformance with the County's Inclusionary Housing Ordinance and Housing Element.

3. Timeshare residential uses and quasi-residential visitor-serving uses (including condominium hotels, private unit ownership, fractional ownership, and similar use and ownership structures) shall be prohibited.

**20.147.130 PUBLIC ACCESS**

Intent: It is the intent of this section to ensure that visual and physical public access to and along the shoreline and the enjoyment of public recreational values throughout the Del Monte Forest, consistent with the basic purpose of the California Coastal Act, are maximized, and to also ensure that the beauty of the Del Monte Forest Area coast, its tranquility, and the health of its environment will not be marred by public overuse or neglect.

A. Access Management Plan Requirement

1. An Access Management Plan (AMP) shall be required when any opening of or improvements to a public access area are proposed or required. The AMP requirements shall apply to development that proposes or is required as a condition of project approval to establish and open a public access area as part of the development proposal.

2. An AMP will not be required for a proposed public access project if such an AMP has been previously prepared, if that AMP includes all required elements, and if it addresses the proposed project as well as the entire access area. If a previous AMP does not meet these criteria, then an amended AMP or a new AMP shall be required that meets these criteria.

3. The AMP shall be required as a condition of project approval and approved by the Planning Department prior to the issuance of grading or building permits. It shall be prepared at the applicant's expense. The manner (electronic versus hard copy, number of copies, etc.) in which said Plan is to be submitted shall be determined by the Planning Department.

4. The AMP shall be prepared for an entire access area, and shall include, at a minimum, the following elements:

- (a) Overview

- (1) Description of the access area location, setting, terrain, and dimensions.
- (2) Description of existing land use and development in the area.
- (3) Description of the access area use hours.
- (4) Site plan and elevations.
- (b) Access area liability
  - (1) Identification of the entity responsible and liable for what happens to life and property within the access area.
  - (2) Description of insurance provisions.
- (c) Access area maintenance
  - (1) Identification of the entity responsible for access area maintenance.
  - (2) Description of types and frequency of ongoing clean-up and periodic up-keep that will be undertaken by the responsible entity.
  - (3) A requirement that the public access area be maintained in a structurally sound manner and in a manner that maximizes public use and enjoyment in perpetuity.
- (d) Access area siting
  - (1) Identification of entity responsible for surveying and determining the precise access area dimensions.
  - (2) Description of the access area's walkways, trails, connections (to roads, parking areas, other access areas, etc.) and other like elements, locations and dimensions. Easements covering such elements shall not be less than 10 feet in width, and the walkways, trails, connections, and other like elements shall not be less than 4 feet in width, unless as otherwise specified in the AMP.
- (e) Access area improvements
  - (1) Description of types, locations, and design of access area improvements, including trailheads, overlooks, interpretive and directional signage, fencing, benches, picnic tables, ramps, stairs, railings, trash enclosures, public facilities (including restrooms), etc.
  - (2) Description of landscaping and associated irrigation.
  - (3) Description of grading and tree removal required for the improvement projects.
  - (4) Explanation of the purpose and need for each improvement.

- (5) Description of funding sources and amounts needed for improvement projects.
- (6) Timetable for provision of improvements.
- (f) Parking (if applicable)
  - (1) Description of amount of parking needed, given the expected amount of users, and the amount of parking to be provided.
  - (2) Description of parking areas, including in terms of location and dimensions.
  - (3) Description of parking area design and improvements, including landscaping, barriers, signs, and space size/design.
  - (4) Analysis of the access to parking areas from public roads, and the needed and proposed improvements to parking area ingress and egress in relation to public roads in order to assure safety.
- (g) Project analysis
  - (1) An analysis of impacts of the proposed access area and associated improvements in relation to:
    - i. the amount of expected access area users and types of use;
    - ii. the maximum amount of people able to use the resource while still assuring resource protection and long-term maintenance;
    - iii. wildlife, wetland, and environmentally sensitive habitat areas;
    - iv. on-site and nearby vegetation;
    - v. adjacent land uses;
    - vi. existing development, including neighborhood privacy;
    - vii. visual impacts;
    - viii. noise;
    - ix. fire hazards;
    - x. public safety;
    - xi. conformity to the development standards contained in section 20.147.130.C of the LCP;
    - xii. archaeological resources; and

xiii. other fragile resources.

(2) A discussion of appropriate mitigation measures and improvements to be incorporated into the project in order to reduce any potential adverse impacts identified. Appropriate mitigation measures may include siting and design alternatives, as well as reasonable and necessary restrictions on campfires, firearms, motorized vehicles, dogs, collecting, and hours or seasons of use.

(h) Public access area availability

(1) Development and uses that disrupt and/or degrade the public access area shall be prohibited (including areas set aside for private uses and barriers to public access). The access area shall be available for general public use in perpetuity, and shall not be obstructed in any way.

(i) Maps and figures

(1) General location map.

(2) Access area location map.

(3) Access area detailed map, showing contours, habitat and wetlands locations, and access alignment and width(s).

(4) Access improvements map, showing locations and types of proposed and future improvements.

(5) Access improvements detail, showing elevations of the proposed improvements, with design, colors, and materials.

(6) All maps shall be at a scale to be determined by the project planner.

5. The AMP required of the Pebble Beach Company in connection with its Concept Plan (i.e. the Del Monte Forest Access Management Plan) shall be in conformance with the criteria of Section 20.147.095.I. That plan shall describe the manner in which general public access in the Del Monte Forest is to be managed and provided (including through improvements to existing access areas and development of new access areas, as appropriate), with the objective of maximizing public access to all major access points and all related public access areas, and maximizing utility and enjoyment of all such public access features through siting and design premised on seamlessly integrating them into the built and natural environment, and through provision of appropriate public access amenities and signage/information. The plan will detail public use hours, applicable access fees, allowed public access disruptions, and access implementation and management requirements.

B. Access Requirement

1. Public recreational access opportunities shall be maximally provided consistent with public safety needs and the need to protect public rights, rights of private property owners,



and natural resource areas from overuse.

2. Where development includes or is required to provide public access, any land area to which such public access applies shall be dedicated directly or offered in dedication as an easement or in fee to Monterey County as a condition of project approval required to be completed prior to issuance of building or grading permits. The dedication or offer of dedication shall be in accordance with the requirements of Section 20.64.280. The County may designate another public agency or non-profit acceptable to the Board of Supervisors to accept such access dedications if the recipient demonstrates the ability to manage them consistent with the specific objectives associated with the public access area in question and the public trust. The terms of all access dedications may be enforced by the County or their designee, and shall revert to the County if the recipient is unable or unwilling to appropriately manage the public access area in question consistent with its intended purpose in the future. All dedications shall be accompanied by adequate funding to allow the public access objectives and requirements to be fully realized. Direct dedications are the preferred method of implementing these easement and/or property transfer requirements, but offers to dedicate easements and/or property may also be used if a direct dedication is not possible. Dedicated access areas shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access area.

3. New development shall include public access except where: (a) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or adequate public access exists nearby; or (b) the new development project does not impact public access. The amount and type of public access provided shall be directly related and proportional to the public access impact identified.

### C. Development Standards

1. Development of improvements to and the opening or expansion of public access areas shall be in accordance with the AMP required for the access area, as per Section 20.147.130.A. The AMP shall become the standard for all improvements to and management of the access. As conditions of project approval, the improvements proposed as part of the development shall be developed and managed according to the specifications of the AMP.

2. For any approved development that includes an AMP, a note shall be recorded with the County Recorder and placed on a subdivision map (if subdivision is part of the approval) stating that an AMP has been prepared for the access area and is on file with the Monterey County Planning Department, and that all improvements to the access area must be in accordance with the AMP. The note shall be recorded in accordance with the requirements of Section 20.147.130.

3. Existing public access areas, including shoreline access areas, interior trails and road access, shall be permanently protected for long-term and continued public use, and development on sites that provide such access shall be required to ensure such access areas are so protected, including through dedication of access easements and/or property.

4. For areas not appropriate for access, public access shall be discouraged. Where

such areas are located on private land, the County shall cooperate with landowners to develop effective methods for directing access to appropriate locations.

5. Public viewsheds are an important component of shoreline access and public recreational use. Development shall not block significant public views and shall not significantly adversely impact public views and scenic character, including with specific attention to the 17-Mile Drive corridor and designated public access areas/vista points.

6. Development on sites that could provide for enhanced public access (e.g., filling a gap in relation to adjacent access areas) should be required to provide such access, including through dedication of access easements and/or property.

7. New development shall be sited and designed to avoid adversely affecting public access areas, including trail access (see, for example, LUP Figure 8). Trail dedications necessary to provide public access connections to existing public access areas consistent with LCP policies shall be required as a condition of development approval. A trail may be realigned due to habitat or safety constraints if appropriate and consistent with the LCP. Approved realignments shall be generally equivalent in terms of connectivity, utility, and public use value to the original route.

8. While encouraging maximum public access, this LCP also intends to ensure that the privacy, safety, health, and property of residents are protected through the implementation of the following standards for the siting and design of public access improvements in residential areas:

(a) To provide adequate separation between shoreline access and residential uses to protect the privacy and security of homes, the edge of lateral shoreline access trails must be located a minimum of 25 feet, and vertical shoreline access trails a minimum of 10 feet, from any occupied residential structure if feasible while still providing for adequate public access.

(b) Maximize the use of appropriate landscaping, fences and grade separation between access routes and residences to protect privacy so long as such measures do not adversely impact access connectivity, utility, and public use value.

9. Public pedestrian access to, and along, the Spanish Bay shoreline shall be maintained by developing and adequately marking a shoreline trail from Asilomar State Beach to the southerly end of Moss Beach, where the southerly end of Spanish Bay Drive terminates.

10. Public access plans for the Spanish Bay planning area should be coordinated with plans of the State Department of Parks and Recreation for adjoining Asilomar State Beach to ensure compatibility, seamless connectivity, and a balance of public access opportunities.

11. The County shall receive and hold all easements and/or property dedicated for public access areas (including for shoreline and inland trails) as a result of conditions placed on new development. The County may designate another public agency or non-profit acceptable to the Board of Supervisors to accept such access area dedications if the recipient demonstrates the ability to manage them consistent with the specific objectives associated with the public access

area in question and the public trust. The terms of all access area easements and/or access area property restrictions may be enforced by the County or their designee, and shall revert to the County if the recipient is unable or unwilling to appropriately manage the public access area in question consistent with its intended purpose in the future. All dedications shall be accompanied by adequate funding to allow the public access objectives and requirements to be fully realized. Direct dedications are the preferred method of implementing these easement and/or property transfer requirements, but offers to dedicate easements and/or property may also be used if a direct dedication is not possible.

12. The responsibility for, and costs of, all improvements, maintenance and operation of Del Monte Forest access areas on Pebble Beach Company land (and on land for which the Pebble Beach Company has assumed such obligation), including existing access areas and any others that are developed over time by Pebble Beach Company, and including all shoreline access areas and all shoreline and interior Forest trails (see LUP Figure 8) shall be borne by Pebble Beach Company or its successors in interest in perpetuity.

13. Active management of all public access areas, both public and privately owned, shall be required.

14. Where public access exists, or is proposed, in environmentally sensitive habitat areas, it shall be limited to low-intensity recreational, scientific, or educational resource-dependent uses such as nature study and observation, education programs (in which collecting is restricted), photography, and hiking. Access in such areas shall be controlled through siting and designs which confine it to designated trails and areas. Plans to improve existing trails or create new trails shall ensure as a condition of approval that environmentally sensitive habitat areas are protected.

15. Public access to areas where sensitive plant species occur shall be sited and designed to avoid individual plant specimens, and to prevent impacts which would significantly degrade such plants and their habitat. Management of the access in consideration of the environmentally sensitive habitat shall be detailed in the Access Management Plan prepared for the access in accordance with Section 20.147.130.A.

16. Public access to the Lone Cypress and Ghost Tree sites, and to the Crocker cypress grove, shall be managed in order to protect the Monterey cypress and their habitat. Management will entail improvement and maintenance of designated paths, and signing and fencing of degraded areas to allow for habitat restoration, as necessary.

17. Recreational access to environmentally sensitive marine habitats, including rookeries, roosting and haul-out sites, intertidal areas and kelp beds, should be restricted.

18. Plans to improve existing trails or create new trails shall ensure as a condition of approval that environmentally sensitive habitat areas are protected.

19. Future development shall be compatible with the goal of retaining and enhancing public visual access. Development shall not block significant public views and shall not significantly adversely impact public views and scenic character, including with specific

attention to the 17-Mile Drive corridor and designated public access areas/vista points, and shall be sited and designed to be compatible with the existing scenic character of the area.

20. Access improvements, including trails, stairs, ramps, railings, restrooms, and parking facilities, shall be sited and designed in a manner compatible with the scenic character of the surrounding environment.

21. Public safety shall be considered wherever shoreline access is provided. Improvements shall improve public safety when possible. In extremely hazardous areas where safe access to the shoreline is not feasible, visual access should be emphasized.

22. Public parking is an important component of public access in the Forest. Existing public parking areas shall be protected, maintained and, where feasible, enhanced for public parking utility and public viewshed enhancement. In maintaining existing public recreational access areas and developing new access areas, the following parking guidelines shall be considered:

(a) The provision of parking, including any necessary access road to parking sites, should not detract from the public access destination.

(b) Parking improvements shall entail minimum land disturbance and shall avoid environmentally sensitive habitat areas.

(c) Parking improvements and parked cars shall not degrade or obstruct the public viewshed.

(d) Adequate, safe, and controlled pedestrian access shall be provided, where possible, from the parking area to the primary destination point.

(e) Safe ingress to and egress from the public roadway must be possible.

(f) Parking areas should entail minimum conflicts with surrounding land uses.

(g) The number of parking spaces provided should correspond to the capacity of the access area as determined by its size, sensitivity of its resources, and the intensity of uses appropriate for the area.

(h) Parking sites and turnouts shall be located in geologically stable areas, where they would not cause or contribute to slope failure or excessive erosion. Potential degradation of water quality shall be reduced through the use of impervious materials such as block pavement and gravel, and through onsite control, including filtration and treatment, of storm runoff.

23. The public recreational access network and amenities in the Forest shall be clearly identified by a uniform system of informational and directional signs that identifies public access areas, vista points, bicycle, pedestrian, and equestrian paths, specific shoreline destinations and areas where access is hazardous or restricted. Signs shall be designed so as to provide clear information without impacting public views and site character. The California

Coastal Trail (CCT) and public nature of the CCT shall be clearly identified on appropriate signs throughout the Forest.

All unimproved access areas that are available to the public and that pose safety risks should have signs posted regarding possible safety risks. Hazardous areas that are closed to the public should be appropriately signed to prohibit access.

Interpretive signage shall be placed at all major public access points as well as at appropriate locations along shoreline and forest trails to educate the public and Forest residents about the natural history of the area.

Informational brochures and trail maps shall be available to the public at all entry gates, shall clearly identify and describe the use parameters for all public access areas, including publicly available access facilities within the Forest, and shall be updated and revised as necessary to reflect the most current public access areas and facilities in the Forest.

24. Residential development and the internal circulation network of the Forest should be planned and developed in a manner that separates visitor and resident traffic as much as possible.

25. Public transit (bus) operators shall be encouraged to serve concentrated visitor-serving facilities as a means of providing employee transit and reducing congested shoreline access routes.

26. Public access improvements shall ensure that a variety of access opportunities are provided and available.

27. In all areas where topography permits, shoreline access shall be provided for the disabled by building paths and ramps for wheelchairs if feasible without significant alterations to major landforms.

28. Trail easements shall not be less than 10 feet in width, and trails shall not be less than 4 feet in width, unless other dimensions are necessary to appropriately protect coastal resources consistent with the LCP and/or to appropriately provide trail access, and are identified in the required access management plan.

Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, and barriers to public access such as fences, temporary structures, private use signs, closures, etc.) shall be prohibited, except that the Pebble Beach Company may charge a vehicular gate fee subject to LUP requirements, and except that the Pebble Beach Company may restrict entrance to the Del Monte Forest and/or use of 17-Mile Drive and other public access areas during special events in the Forest as long as such public access use restrictions are minimized as much as possible and are clearly identified through all necessary processes. Public access areas shall be maintained in a manner that maximizes public use and enjoyment consistent with the operation of the applicable public access area.

**SECTION 6.** Attachments 1, 2, and 3 of Chapter 20.147 (Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use

Plan Area) of the Monterey County Code are repealed.

**SECTION 7. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day following its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever occurs later.

**PASSED AND ADOPTED** this 22nd day of May, 2012, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, Potter  
NOES: None  
ABSENT: None  
ABSTAIN: None

Chair, Monterey County Board of Supervisors

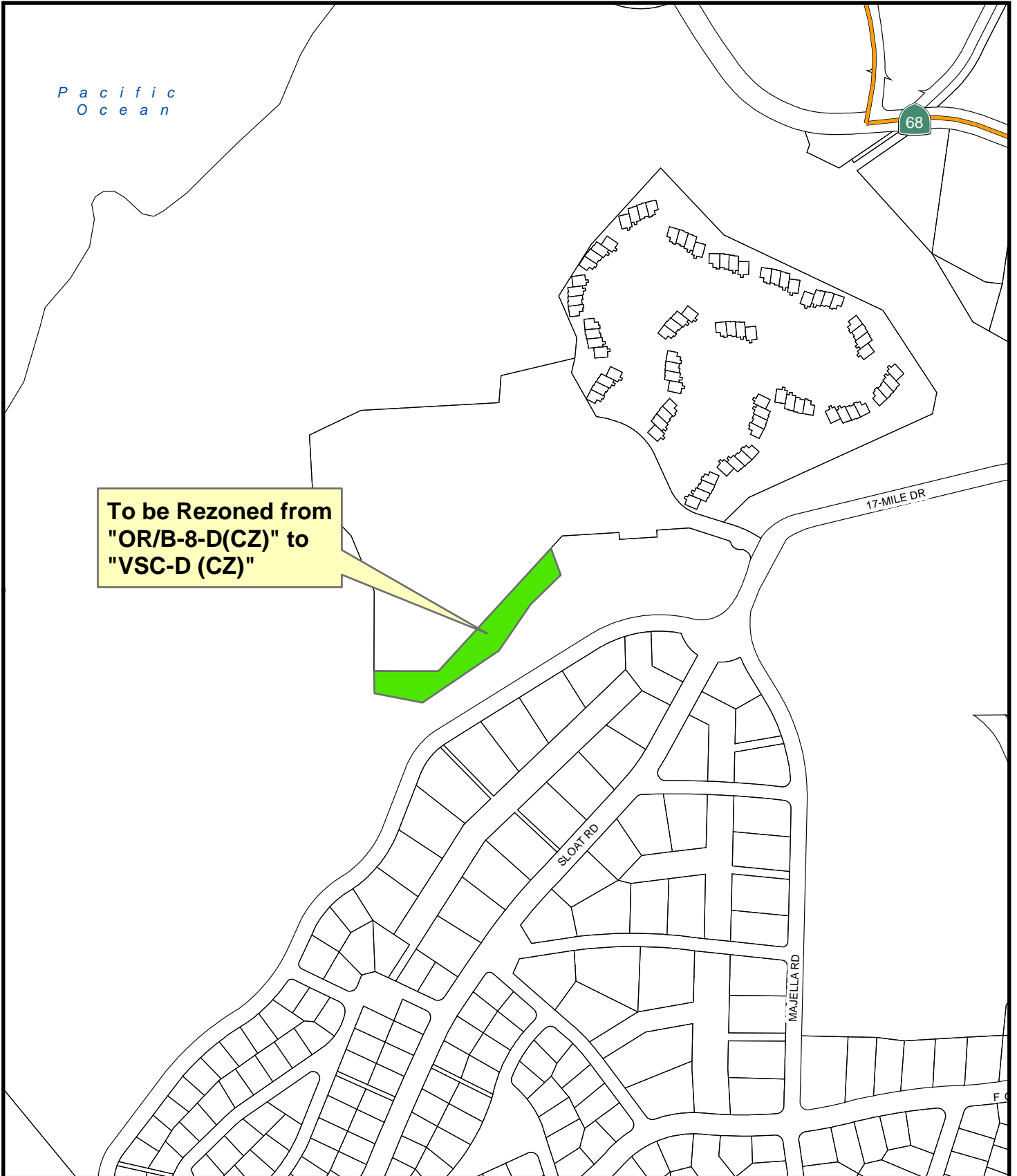
A T T E S T:  
GAIL T. BORKOWSKI,  
Clerk of the Board of Supervisors

By:   
Deputy

APPROVED AS TO FORM  
  
WENDY S. STRIMLING  
Senior Deputy County Counsel

Zoning Maps  
(Sections 20-10 and 20-16)

Exhibits A – U  
to  
Attachment B

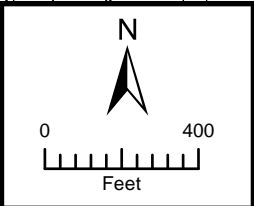


To be Rezoned from  
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"VSC-D (CZ)"

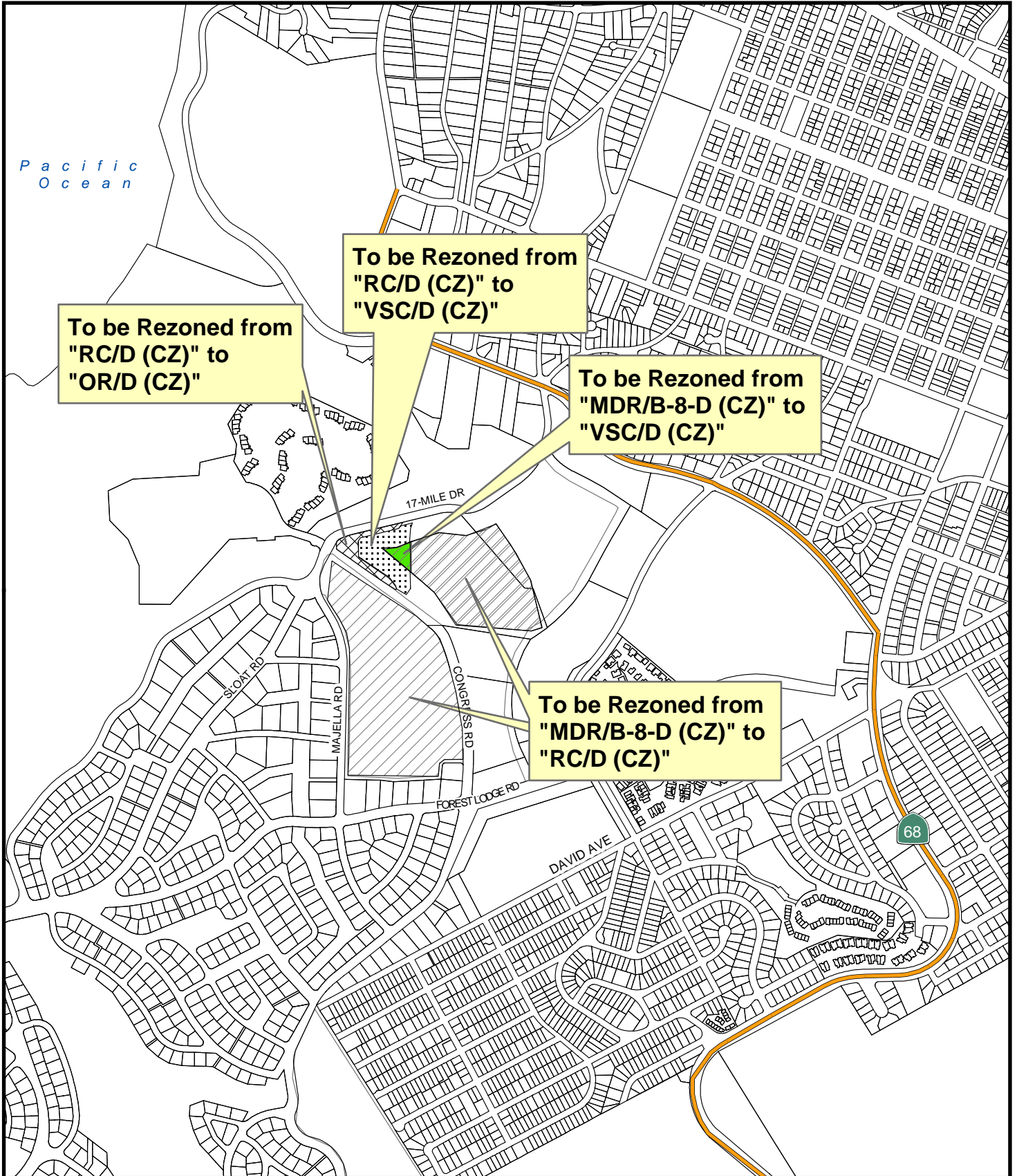
PROPOSED REZONING OF SECTION 20-10

Area: THE INN AND LINKS AT SPANISH BAY

FILE # PLN100138, PEBBLE BEACH COMPANY



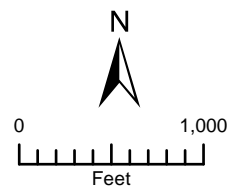


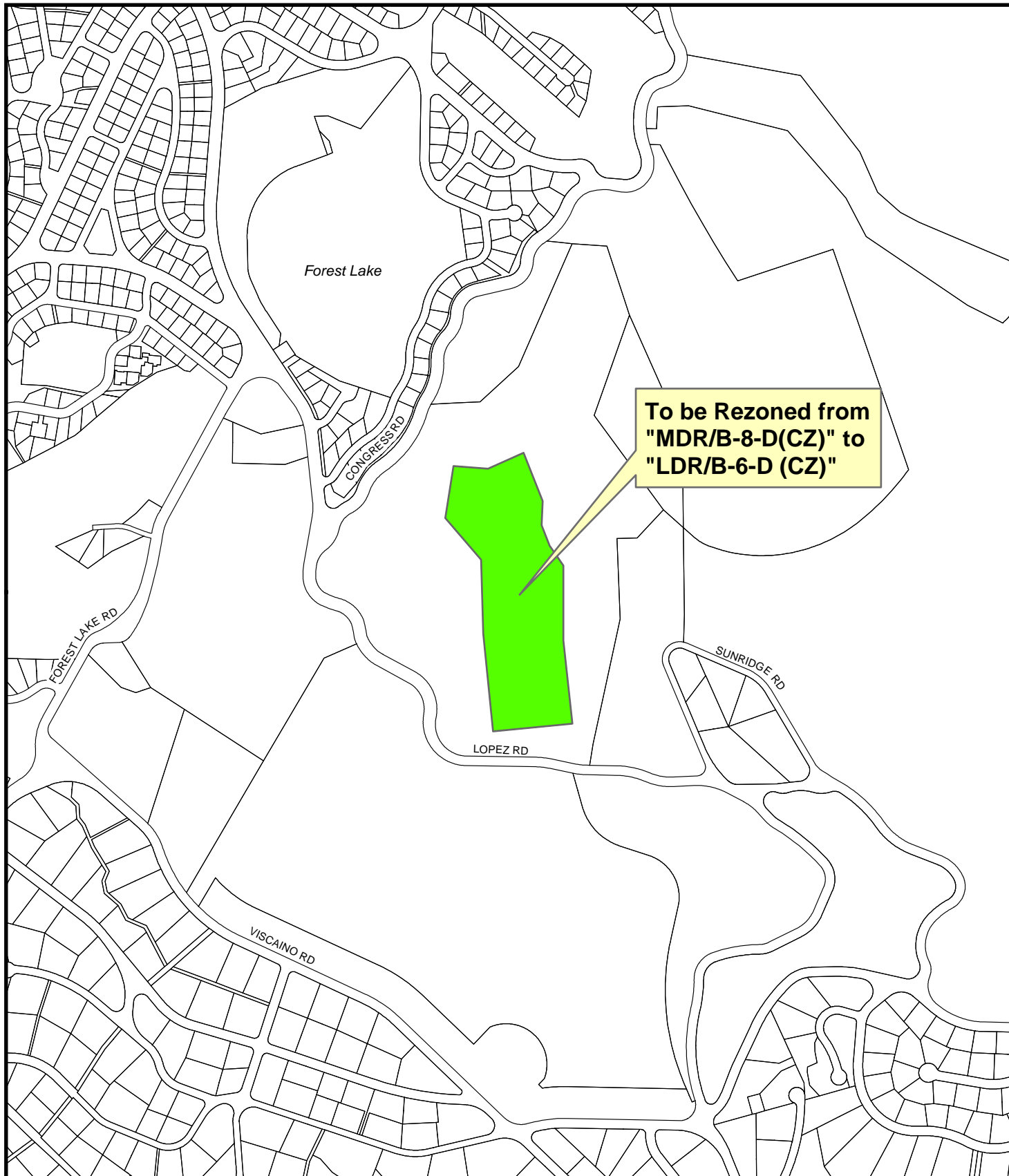


PROPOSED REZONING OF SECTION 20-10

Area: B and C

FILE # PLN100138, PEBBLE BEACH COMPANY

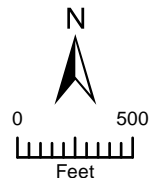


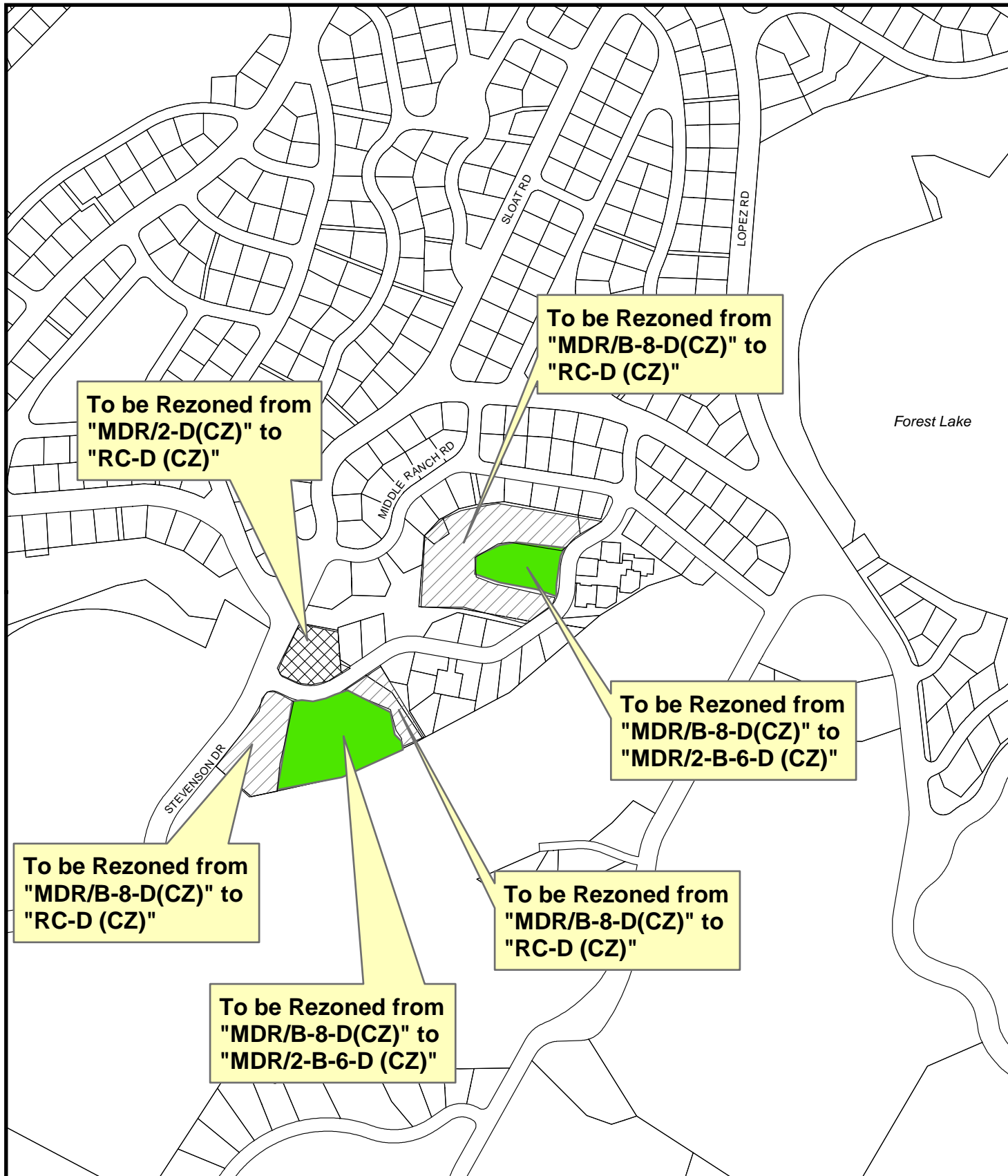


PROPOSED REZONING OF SECTION 20-10

Area: F-2

FILE # PLN100138, PEBBLE BEACH COMPANY

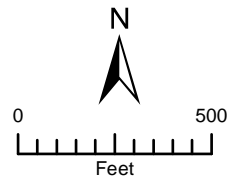


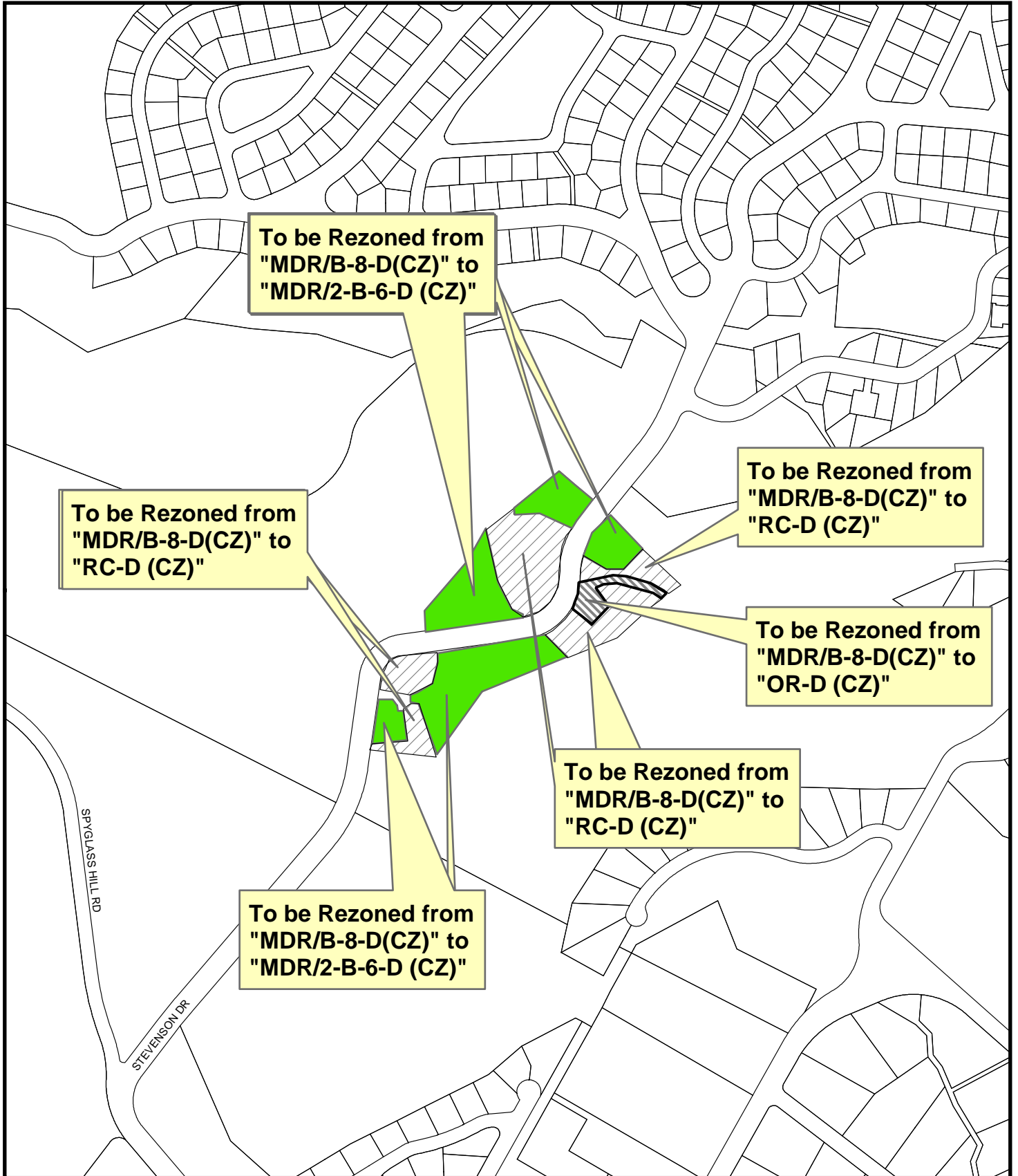


PROPOSED REZONING OF SECTION 20-10

Area: J

FILE # PLN100138, PEBBLE BEACH COMPANY

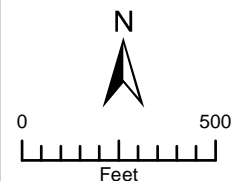


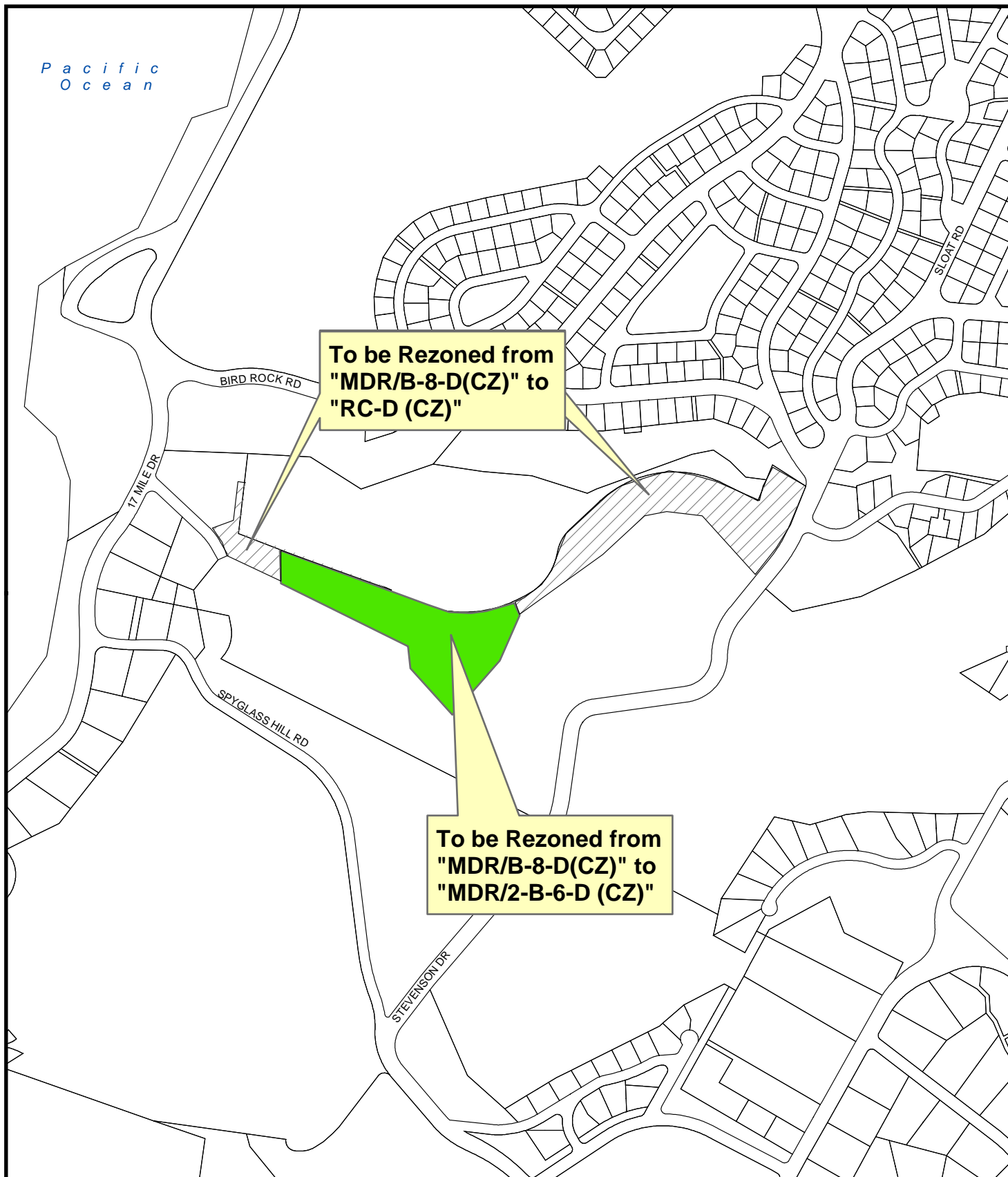


PROPOSED REZONING OF SECTION 20-10

Area: K

FILE # PLN100138, PEBBLE BEACH COMPANY





PROPOSED REZONING OF SECTION 20-10

Area: L

FILE # PLN100138, PEBBLE BEACH COMPANY

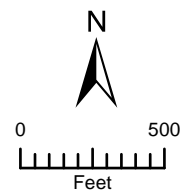
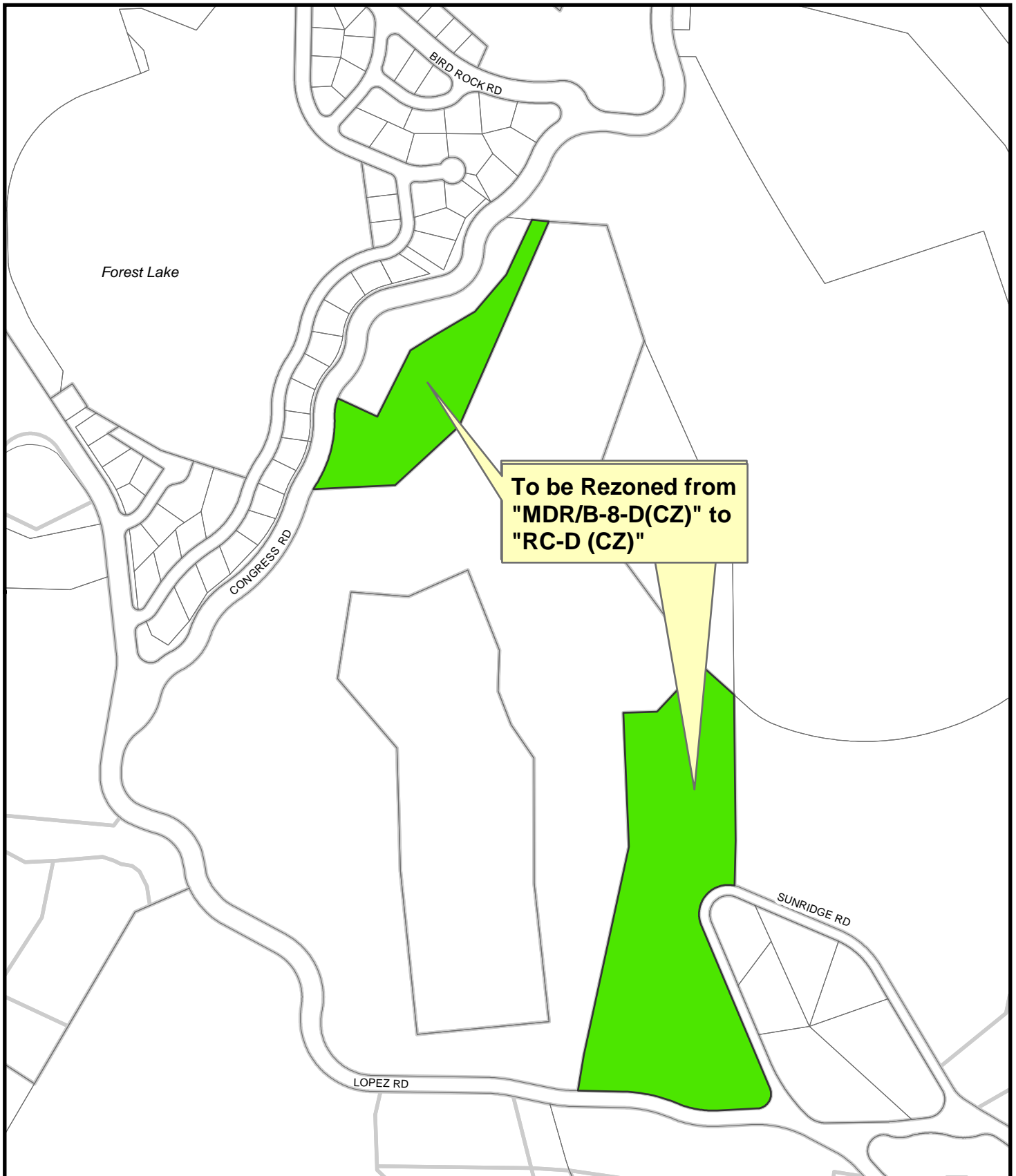


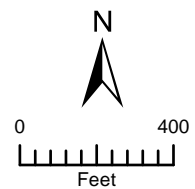
Exhibit G

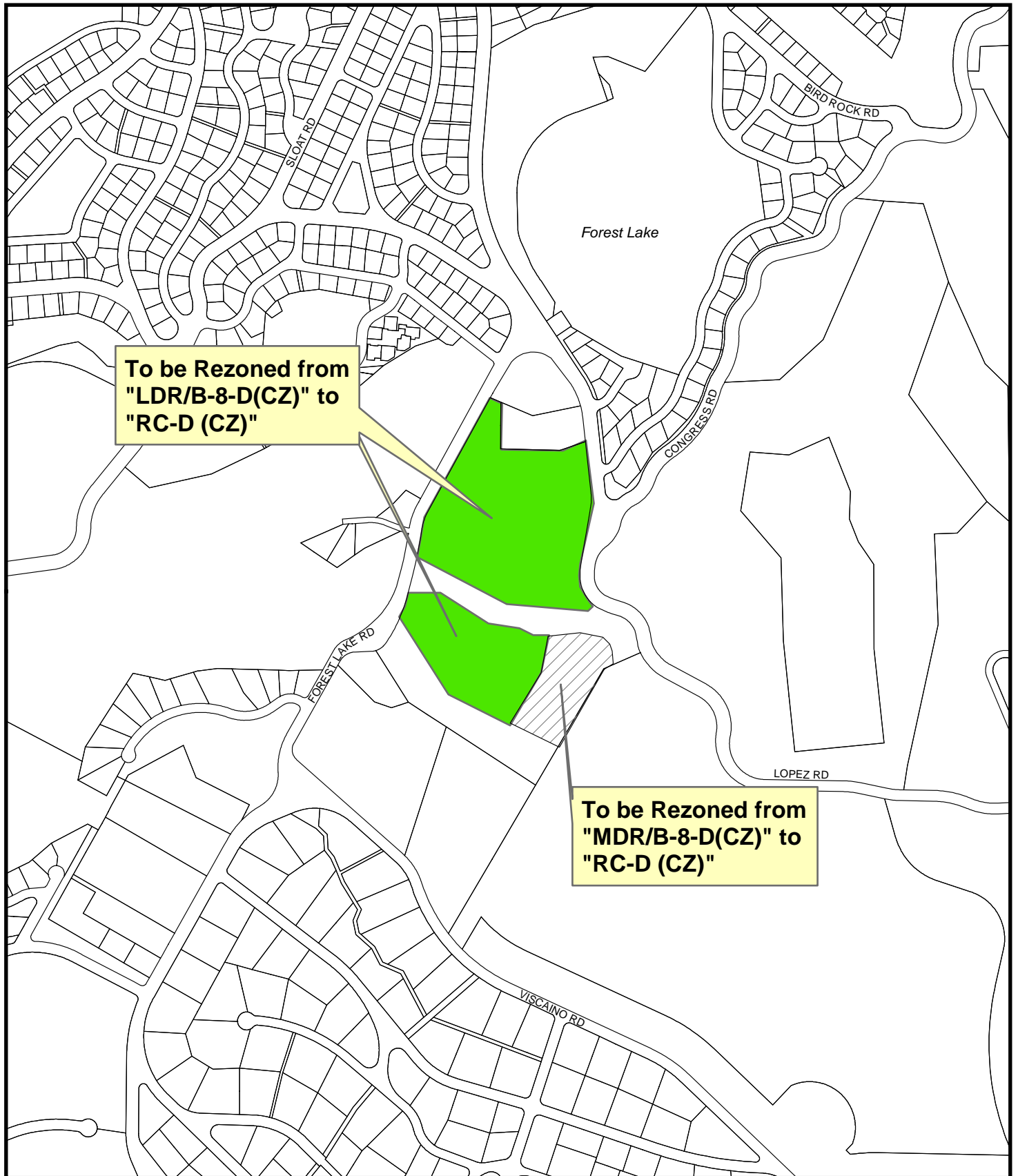


PROPOSED REZONING OF SECTION 20-10

Area: F-1 AND F-3

FILE # PLN100138, PEBBLE BEACH COMPANY





To be Rezoned from  
"LDR/B-8-D(CZ)" to  
"RC-D (CZ)"

To be Rezoned from  
"MDR/B-8-D(CZ)" to  
"RC-D (CZ)"

PROPOSED REZONING OF SECTION 20-10	
Area: I-1	
FILE # PLN100138, PEBBLE BEACH COMPANY	

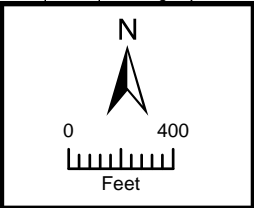


Exhibit I

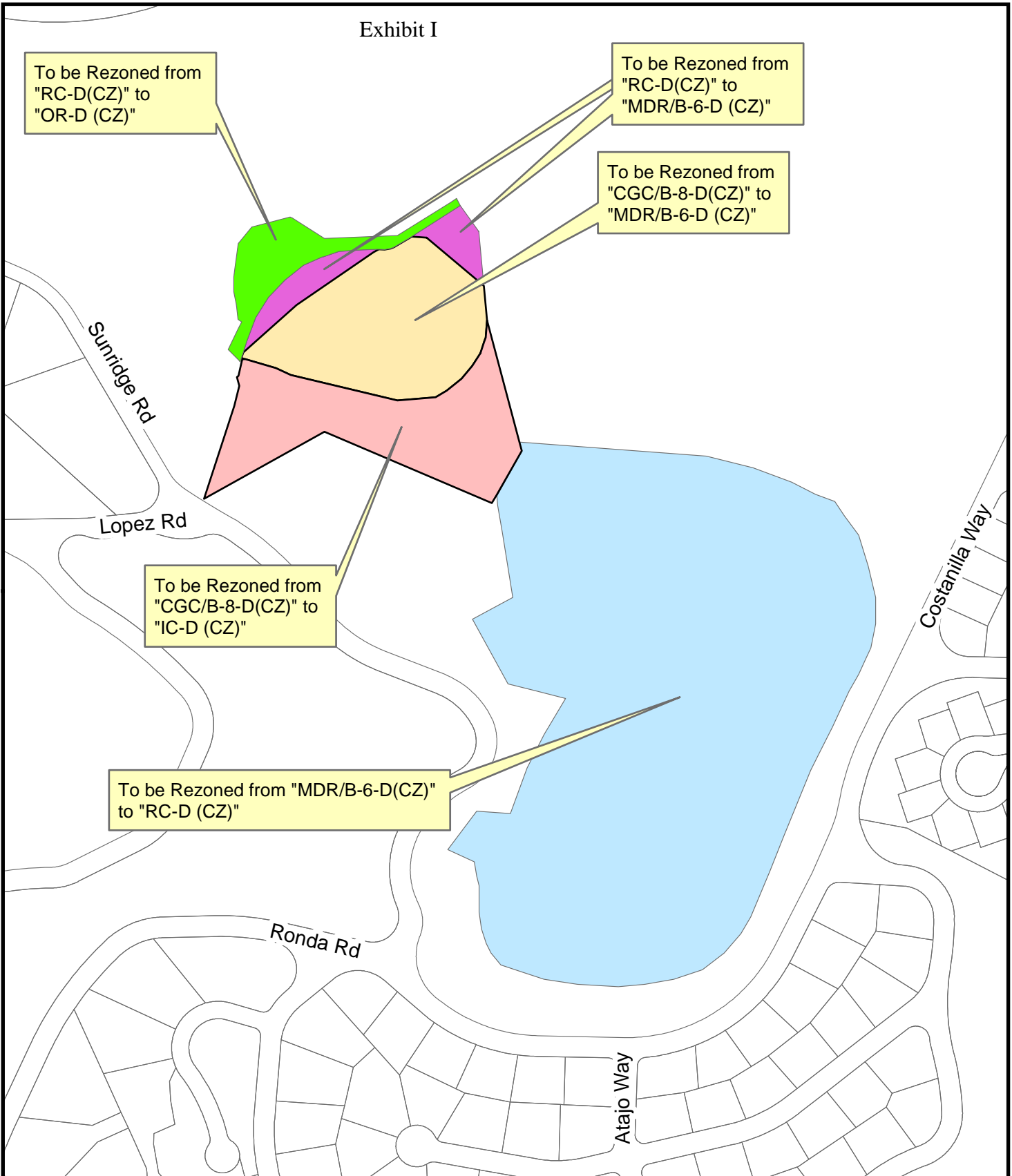
To be Rezoned from "RC-D(CZ)" to "OR-D (CZ)"

To be Rezoned from "RC-D(CZ)" to "MDR/B-6-D (CZ)"

To be Rezoned from "CGC/B-8-D(CZ)" to "MDR/B-6-D (CZ)"

To be Rezoned from "CGC/B-8-D(CZ)" to "IC-D (CZ)"

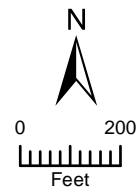
To be Rezoned from "MDR/B-6-D(CZ)" to "RC-D (CZ)"



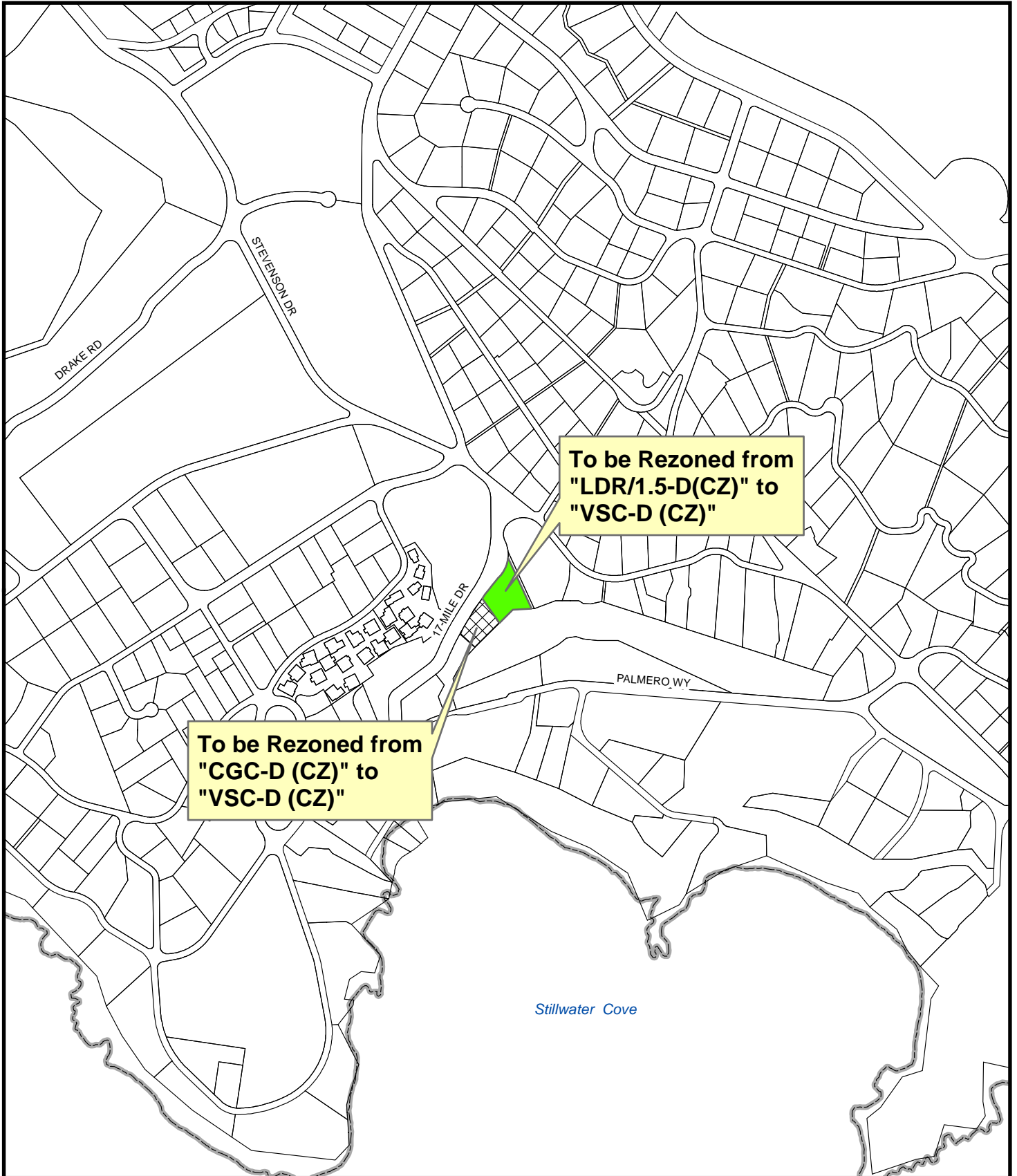
PROPOSED REZONING OF SECTIONS 20-10 & 20-16

Area: CORPORATION YARD AND HUCKLEBERRY HILL NATURAL AREA

FILE # PLN100138, PEBBLE BEACH COMPANY







PROPOSED REZONING OF SECTION 20-16

Area: THE LODGE AT PEBBLE BEACH

FILE # PLN100138, PEBBLE BEACH COMPANY

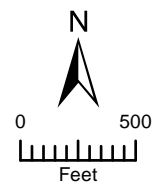
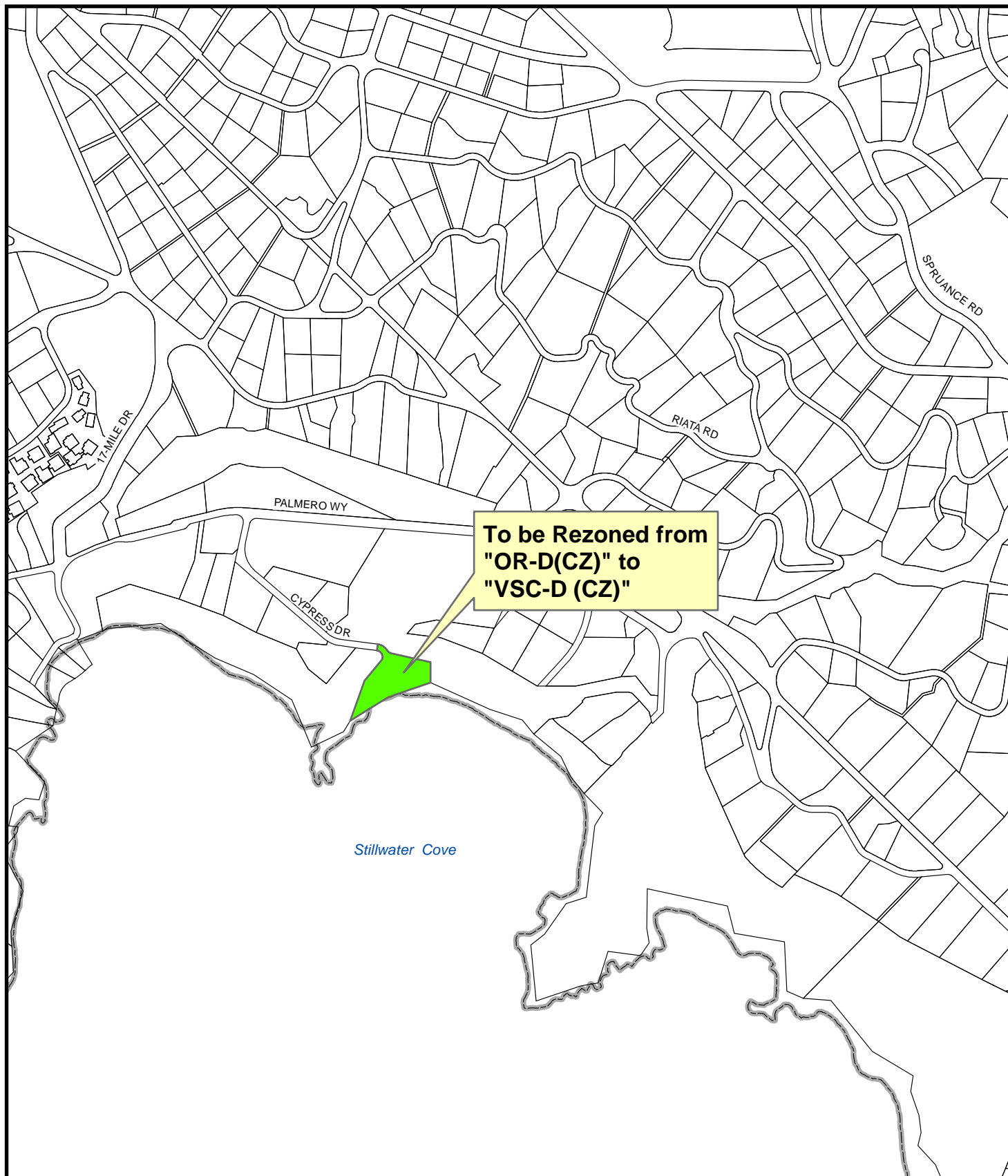


Exhibit K



PROPOSED REZONING OF SECTION 20-16

Area: THE BEACH AND TENNIS CLUB

FILE # PLN100138, PEBBLE BEACH COMPANY

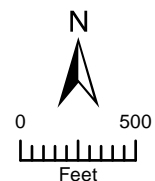
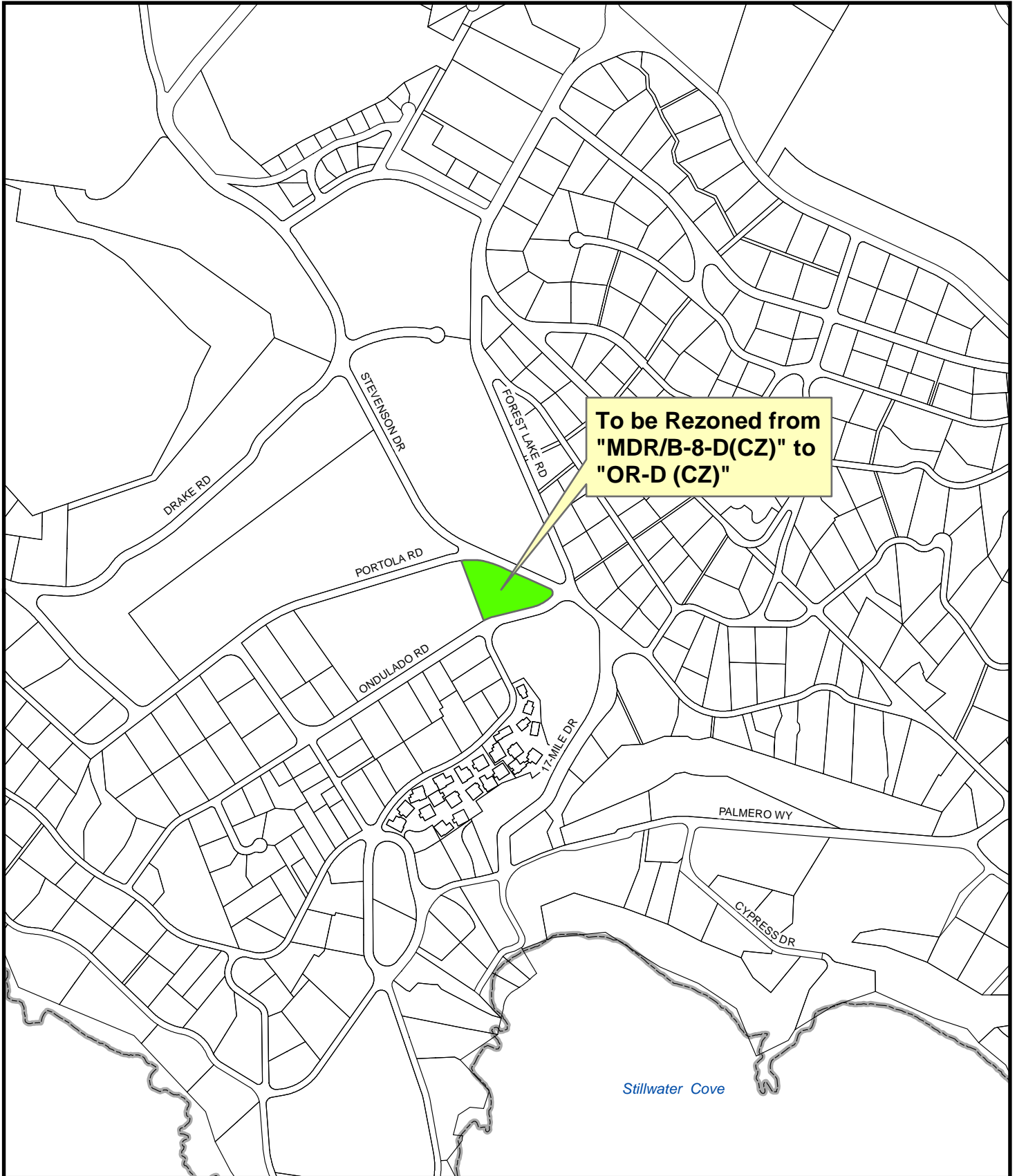


Exhibit L



PROPOSED REZONING OF SECTION 20-16

Area: COLLINS FIELD

FILE # PLN100138, PEBBLE BEACH COMPANY

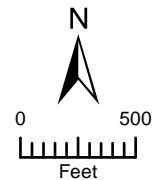
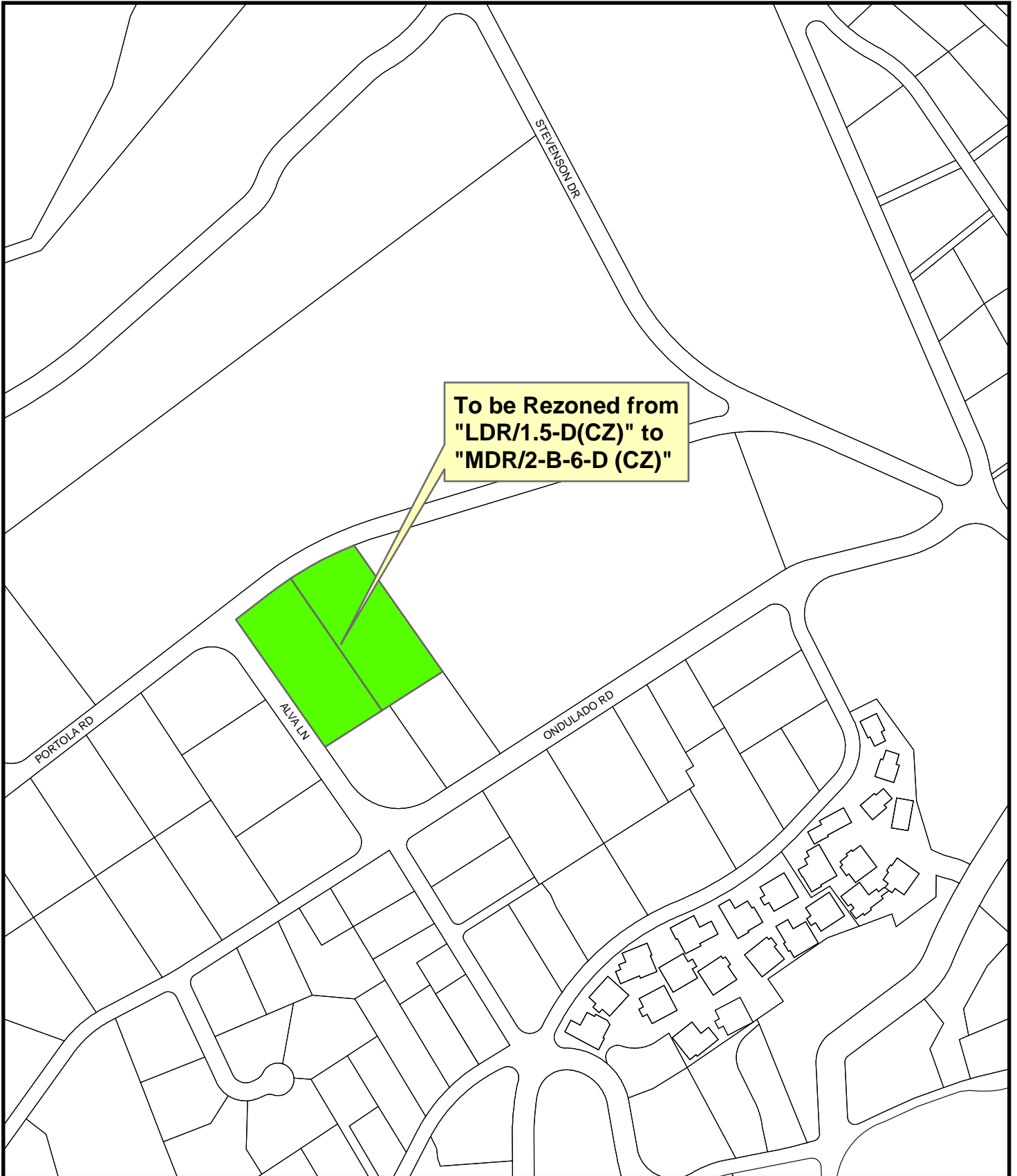


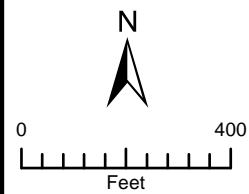
Exhibit M

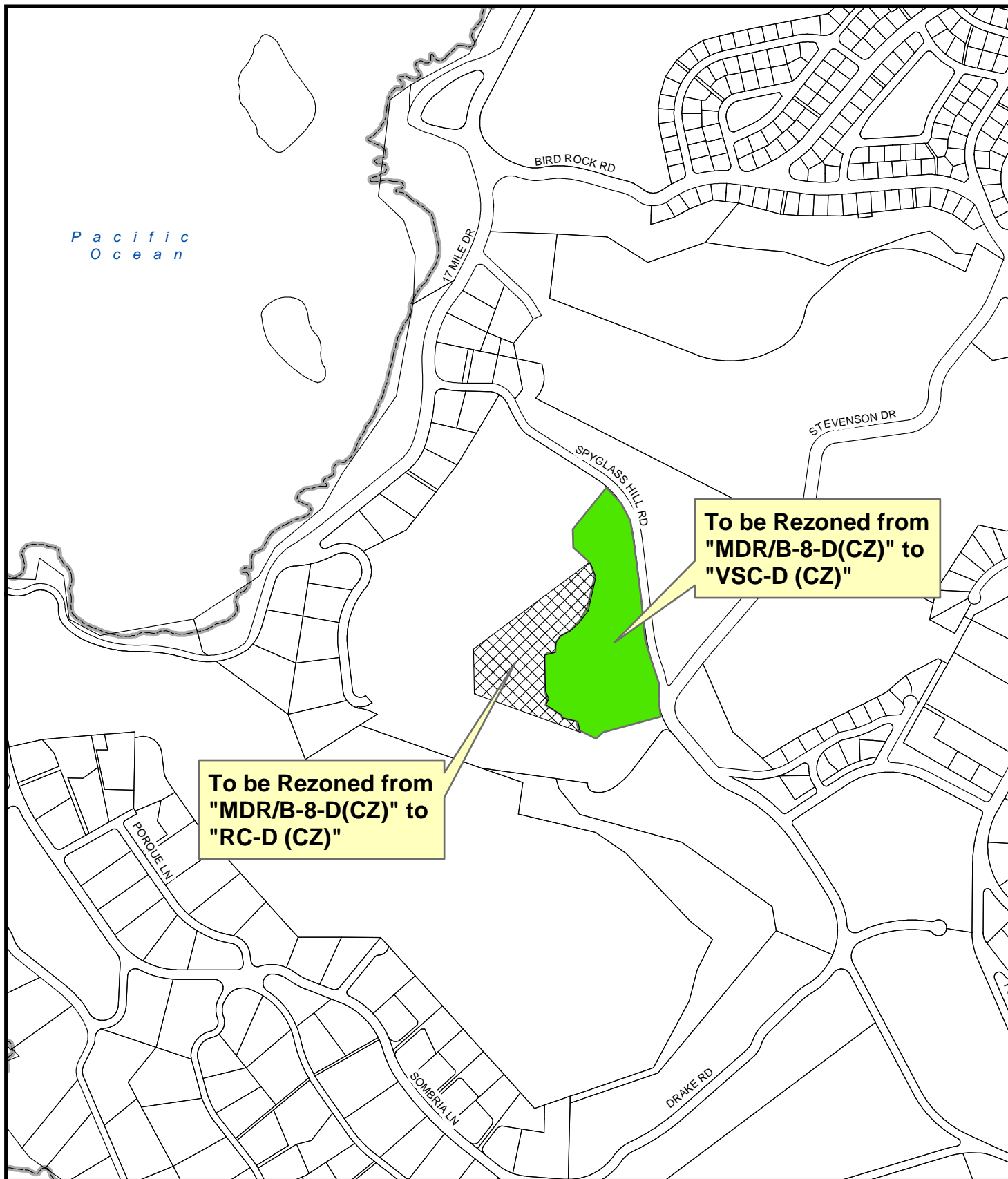


PROPOSED REZONING OF SECTION 20-16

Area: COLLINS RESIDENCE PARCELS

FILE # PLN100138, PEBBLE BEACH COMPANY





To be Rezoned from "MDR/B-8-D(CZ)" to "RC-D (CZ)"

To be Rezoned from "MDR/B-8-D(CZ)" to "VSC-D (CZ)"

PROPOSED REZONING OF SECTIONS 20-10 & 20-16	
Area: M (SPYGLASS HILL RESORT AND SPA OPTION)	
FILE # PLN100138, PEBBLE BEACH COMPANY	

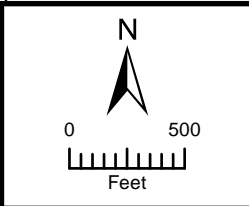
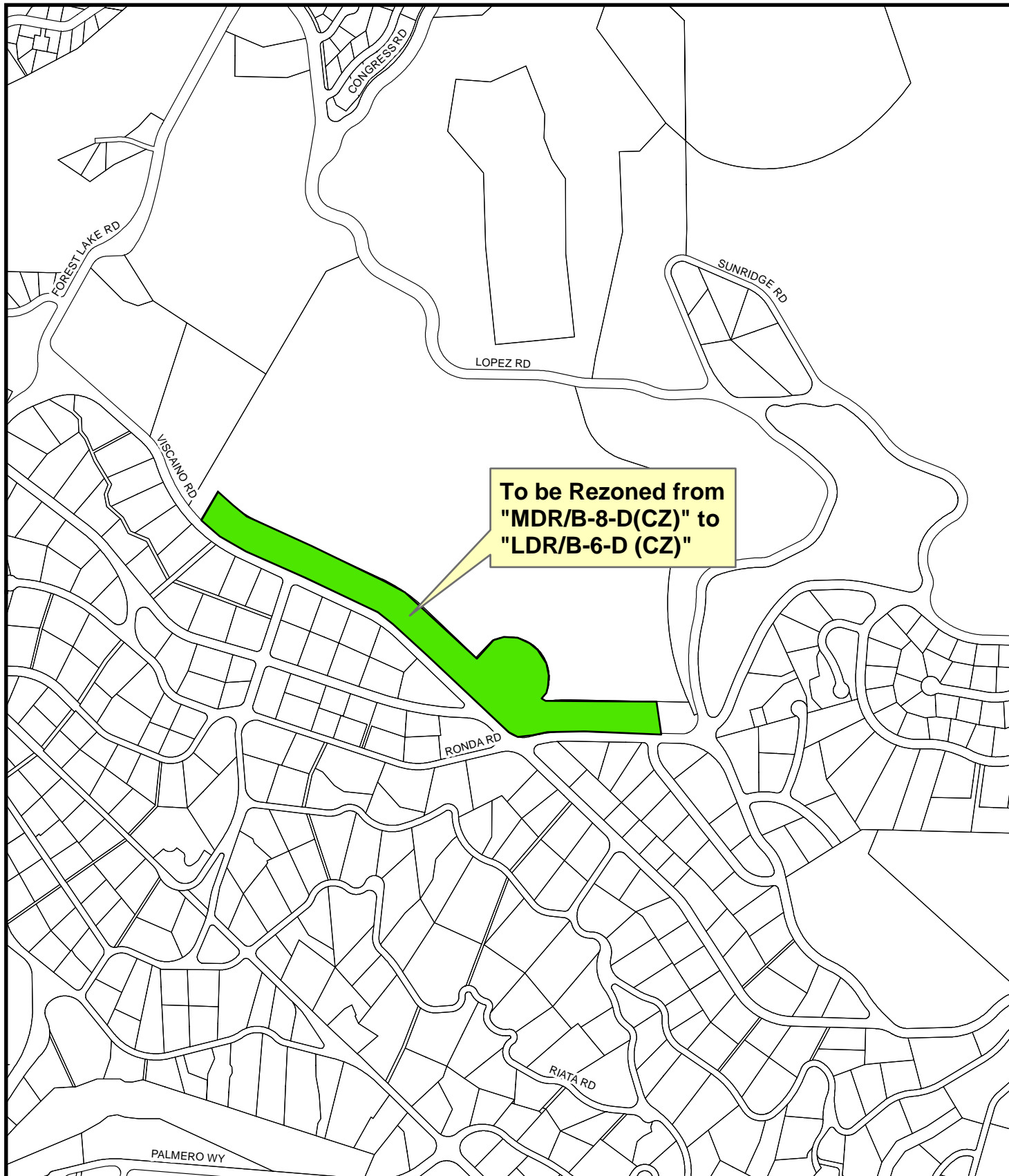


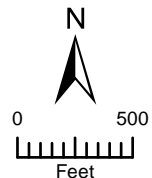
Exhibit O

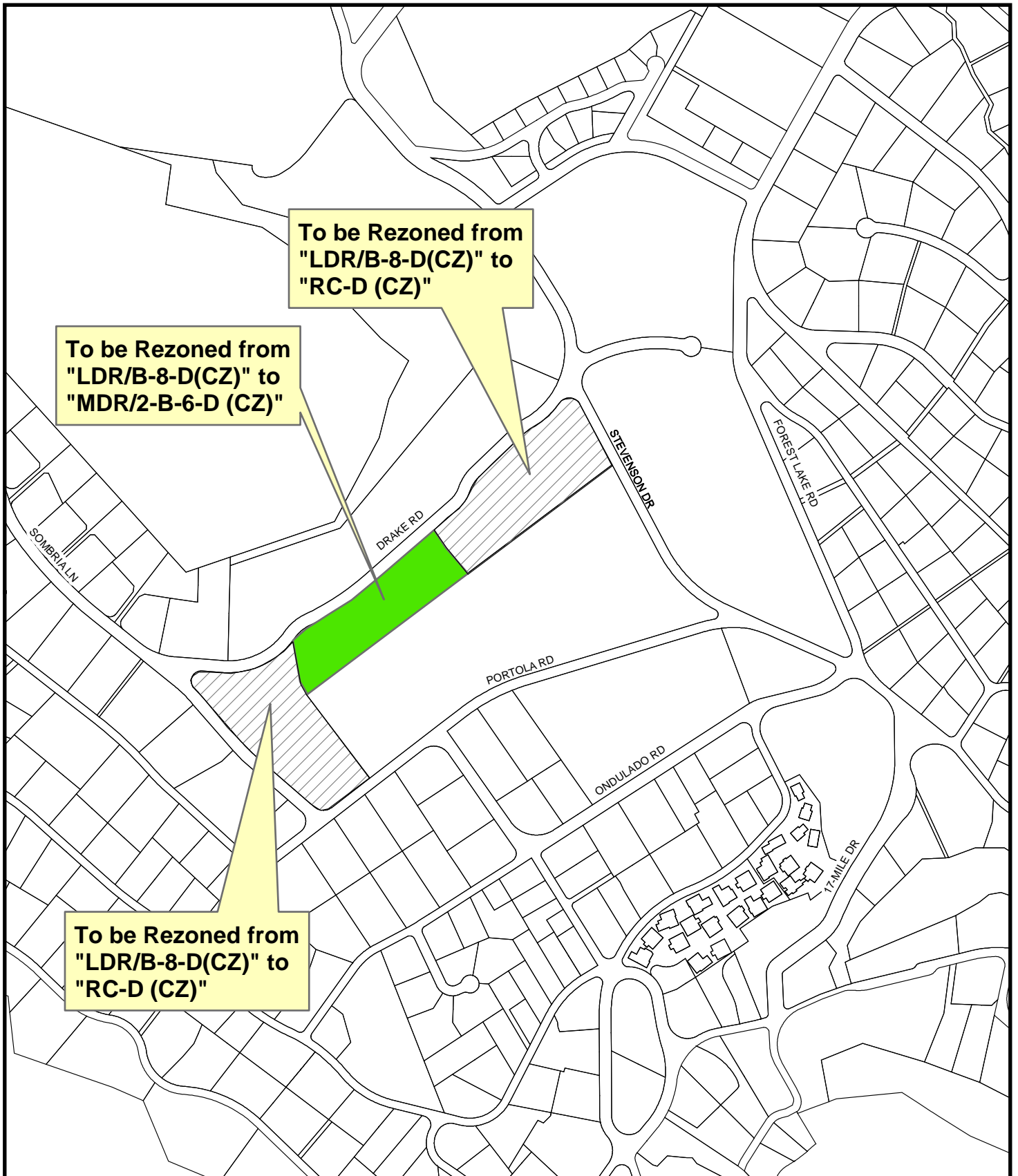


PROPOSED REZONING OF SECTION 20-16

Area: I-2

FILE # PLN100138, PEBBLE BEACH COMPANY

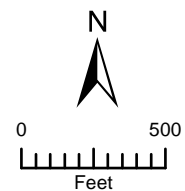


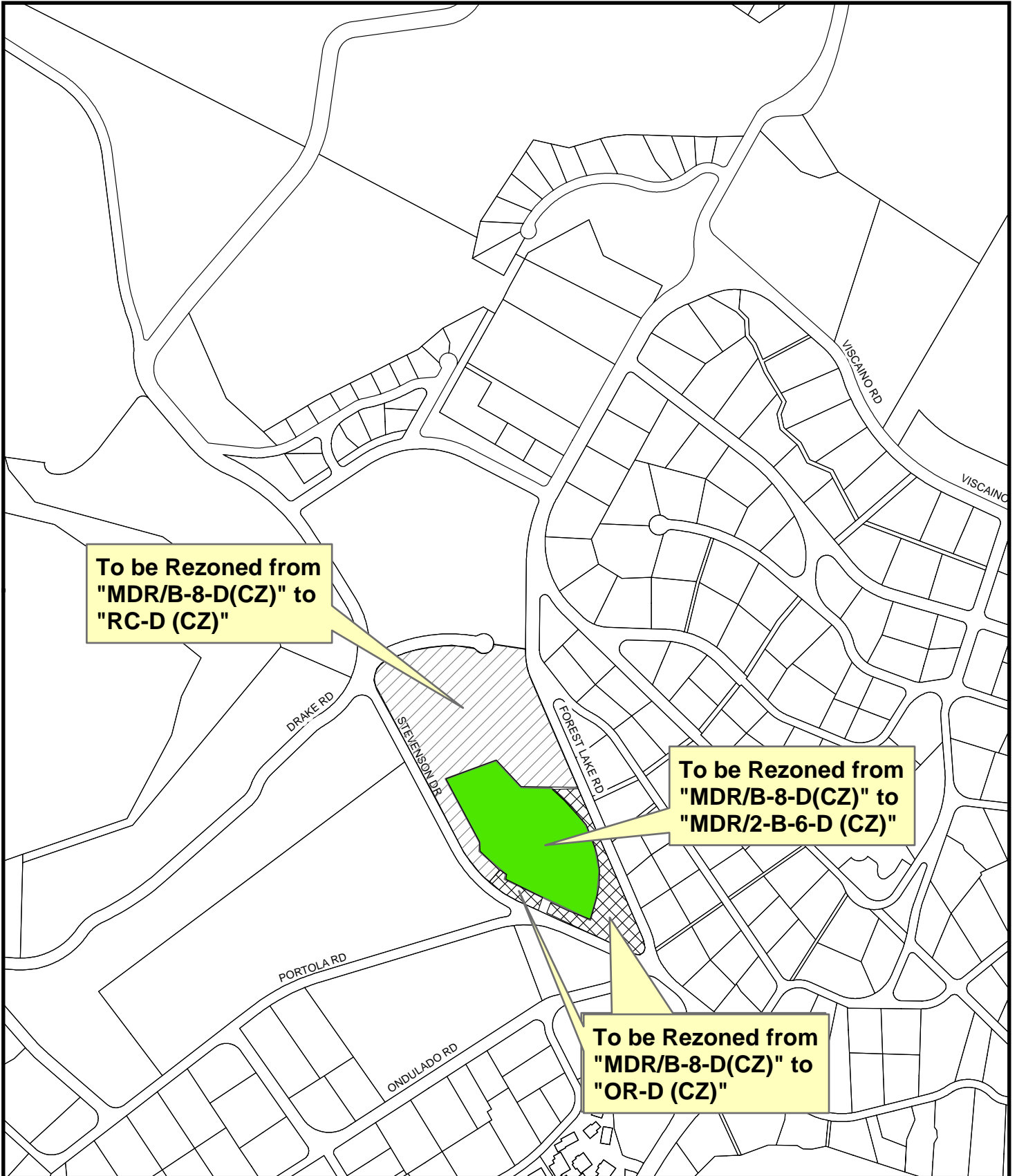


PROPOSED REZONING OF SECTION 20-16

Area: U

FILE # PLN100138, PEBBLE BEACH COMPANY





PROPOSED REZONING OF SECTION 20-16

Area: V

FILE # PLN100138, PEBBLE BEACH COMPANY

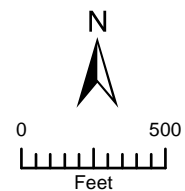
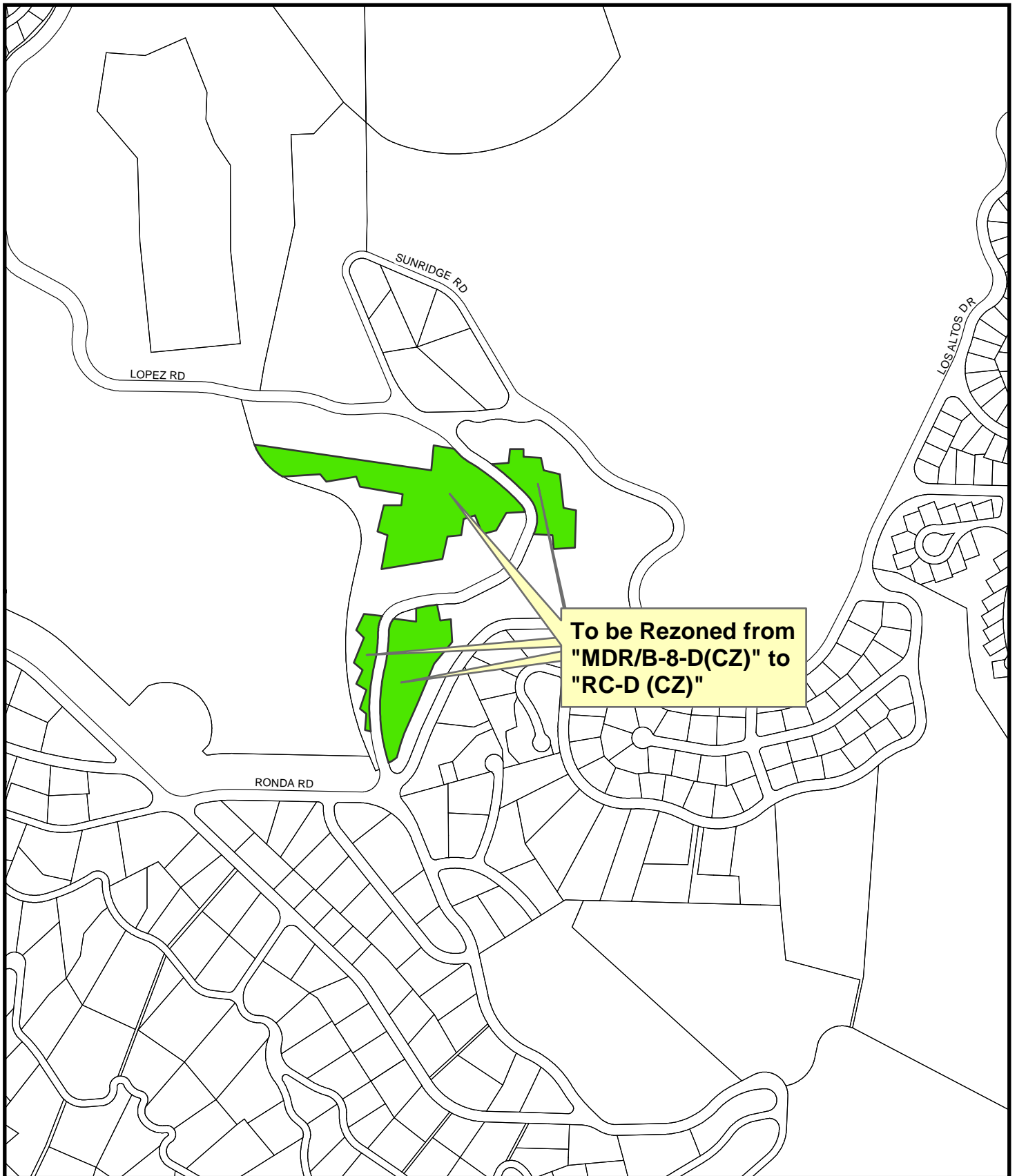




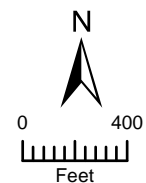
Exhibit R

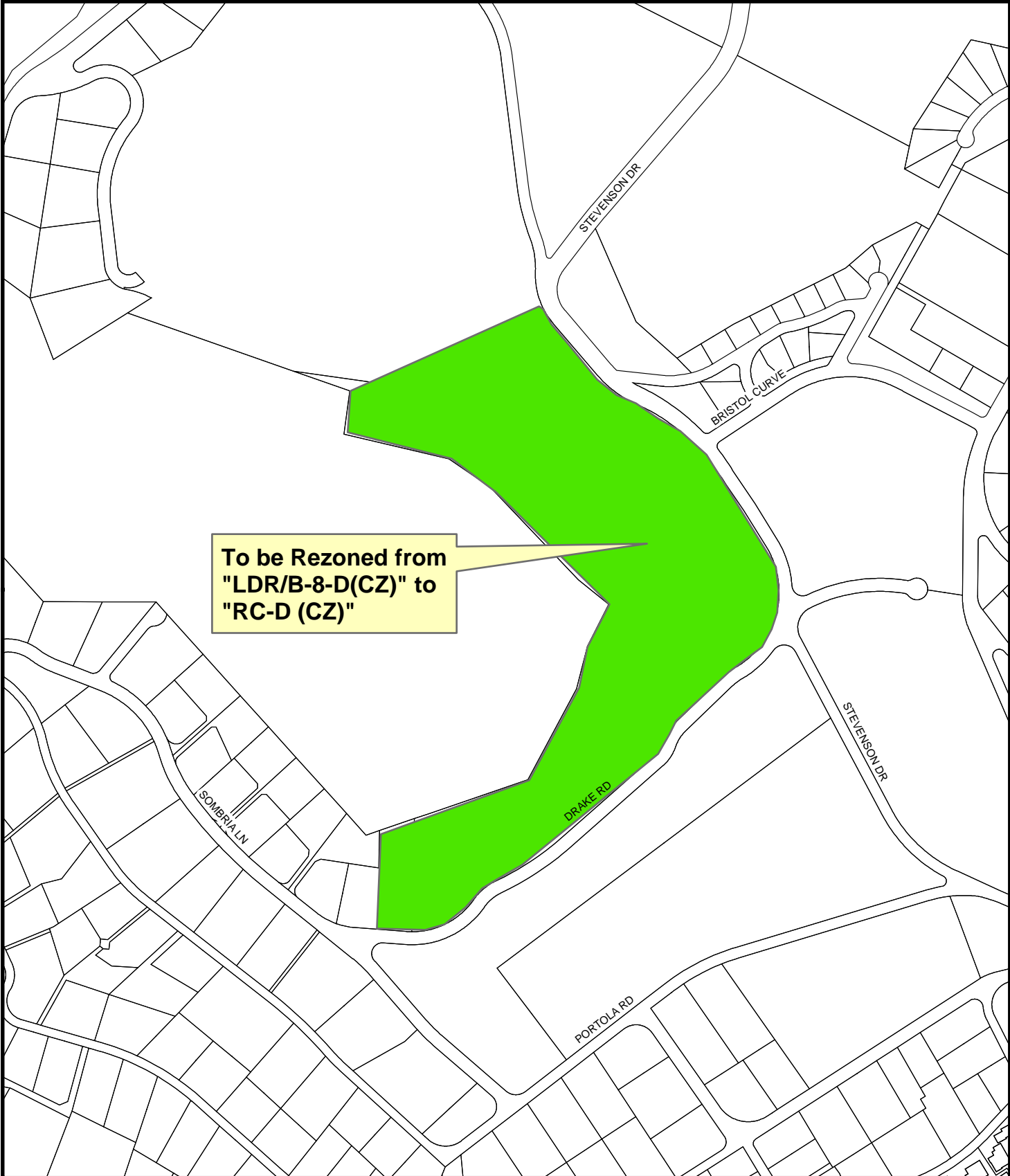


PROPOSED REZONING OF SECTION 20-10 & 20-16

Area: H

FILE # PLN100138, PEBBLE BEACH COMPANY





PROPOSED REZONING OF SECTION 20-16

Area: N

FILE # PLN100138, PEBBLE BEACH COMPANY

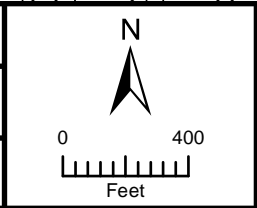
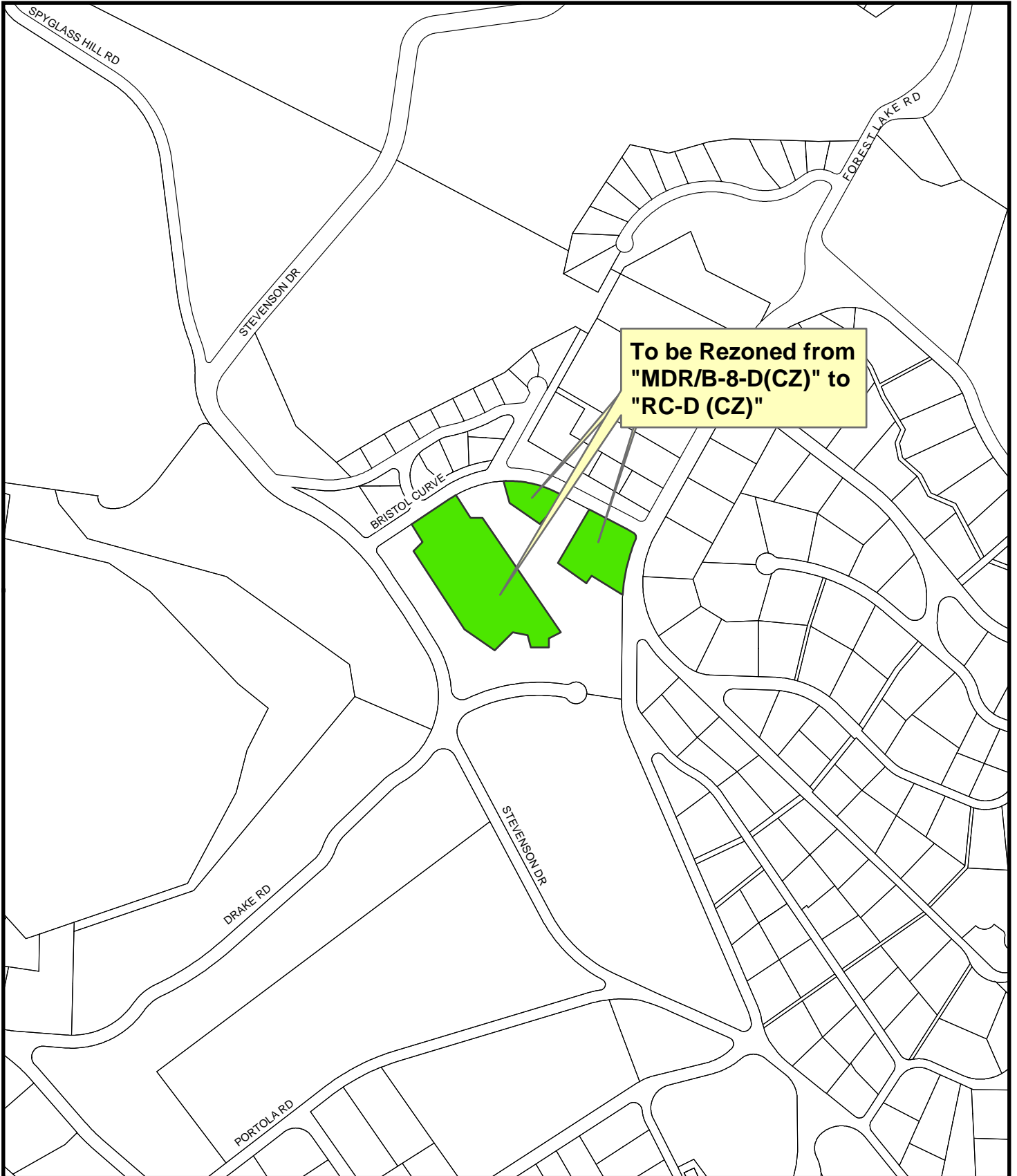


Exhibit T



PROPOSED REZONING OF SECTION 20-16

Area: O

FILE # PLN100138, PEBBLE BEACH COMPANY

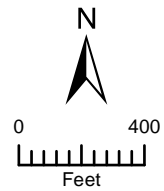
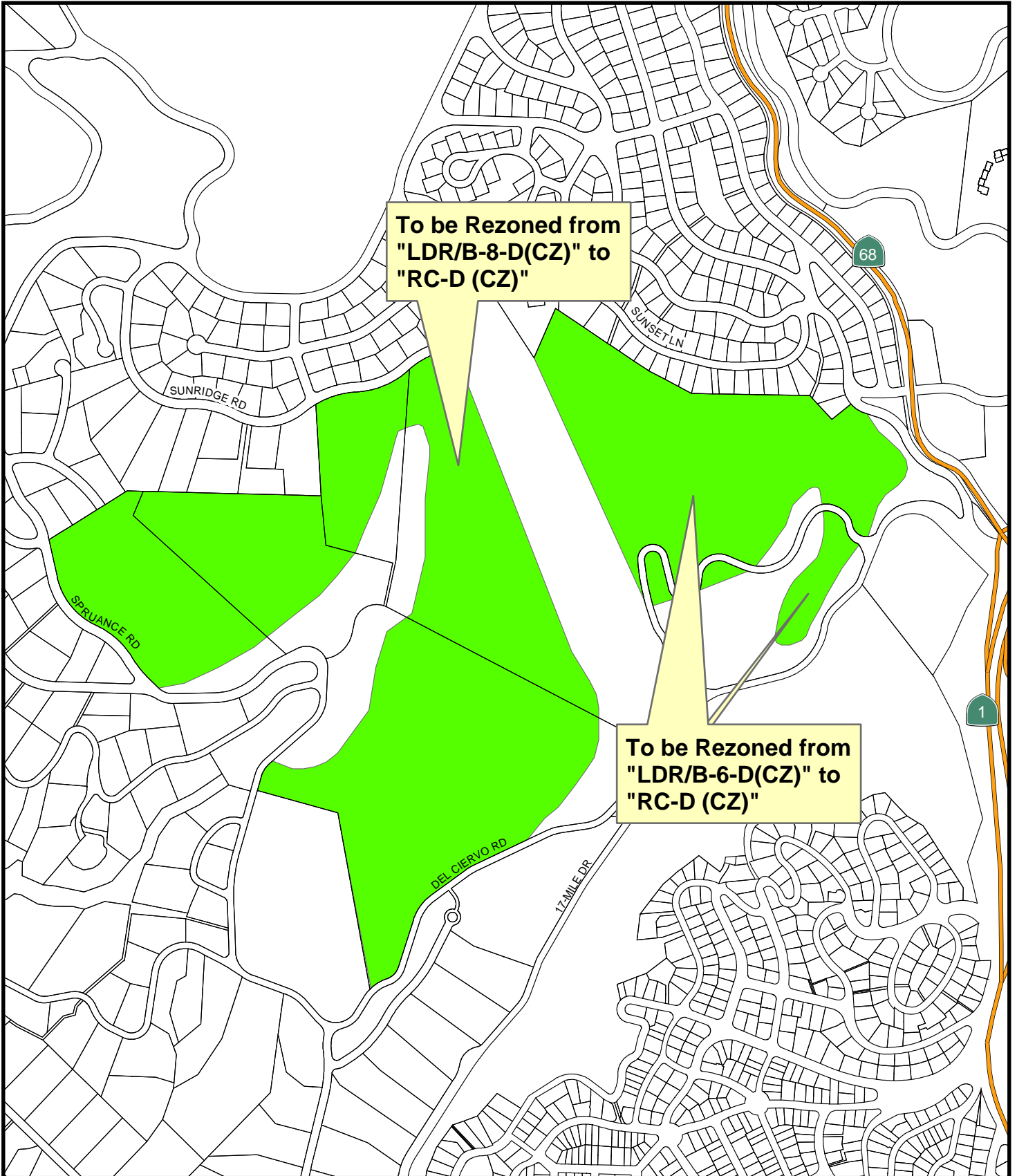


Exhibit U



PROPOSED REZONING OF SECTION 20-16

Area: P, Q AND R

FILE # PLN100138, PEBBLE BEACH COMPANY

